

MISSING PERSONS INVESTIGATIONS

Guidelines & Curriculum



THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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MISSING PERSONS INVESTIGATIONS

Guidelines & Curriculum

RUNAWAY

STRANGER ABDUCTION

LOST

SUSPICIOUS CIRCUMSTANCES

DEPENDENT ADULT

PARENT/FAMILY ABDUCTION

VOLUNTARY MISSING ADULT

UNKNOWN MISSING

CATASTROPHIC MISSING

Missing Persons Investigations
Guidelines and Curriculum

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Published April 2007

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POST2006TPS-0375

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The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California law enforcement in serving its communities.



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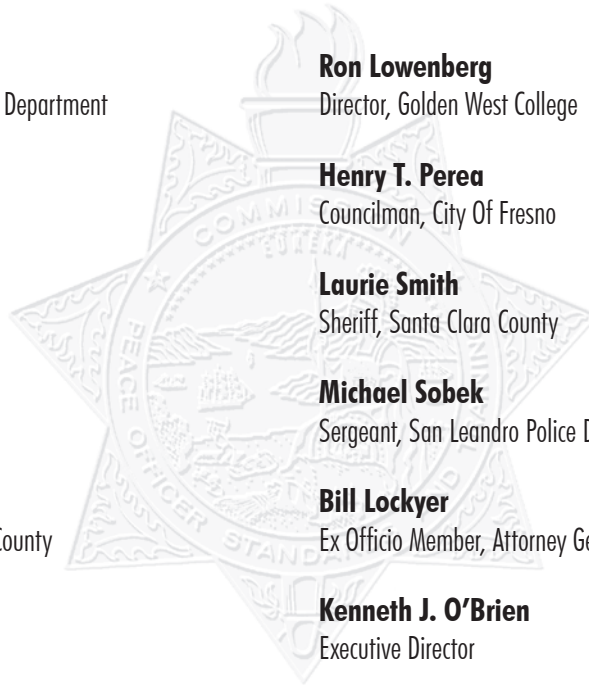
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This publication approved by the Commission in April 2006

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Preface

Missing persons and runaway cases

are among the most compelling issues facing law enforcement today. In 1988 the Commission on Peace Officer Standards and Training (POST) was directed by legislative mandate per [Penal Code Section 13519.1](#) to establish courses of instruction for training law enforcement officers and dispatchers to investigate and resolve missing persons and runaway cases. The Commission intends these guidelines to be a resource for law enforcement agencies in the development of additional training curriculum and departmental policies for responding to missing persons cases.

The Commission appreciates the contributions and efforts of the Missing Persons Advisory Committee for the preparation of this revised document.

Questions or comments concerning these guidelines and curriculum should be directed to the POST Training Program Services Bureau at 916 227-4889.



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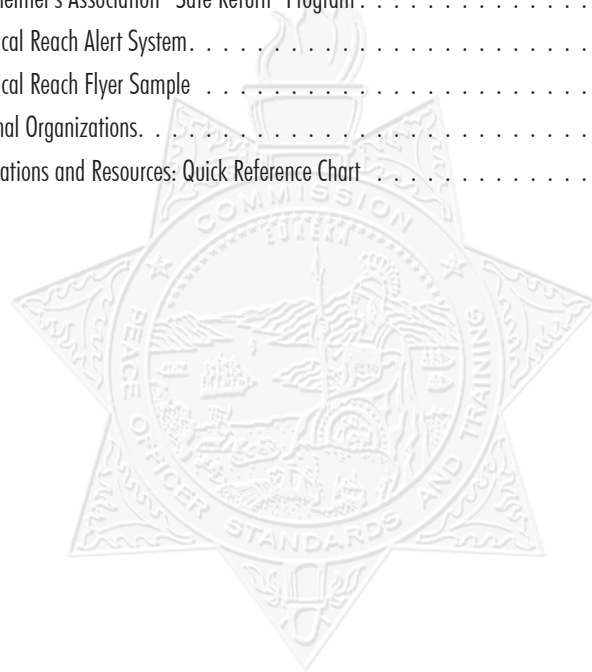
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Message to Responding Officers

Missing Person Investigations

Investigating a missing person case can be one of the most challenging assignments you will handle in your career. The officer responding to a missing person call is in many cases responding to a situation where the reason for an individual's disappearance is unknown.

There may be a number of variables the officer will have to consider when dealing with a missing person investigation that has no obvious reason for a person's disappearance. Was the individual in an accident? Did the individual meet with foul play? Did a stranger abduct a young child? Has a young child met with tragedy while exploring an attractive danger such as a pool, creek, abandoned car or refrigerator? Even in a known runaway situation is the cause of the juvenile running away due to physical, sexual, or emotional abuse by an authority figure in the home? Has the runaway been lured into a life of gangs and/or prostitution?

As we all know, a missing person investigation can become a "high profile" case overnight. You are only one call away from a major case. As such, officers should never consider any case routine. Officers should assume the missing person is in immediate danger or at risk until the facts contradict that assumption.

Officers and or investigators approaching the initial investigation in a less than serious manner may undermine the missing person's investigation. They are more likely to miss critical information and overlook important evidence that might have otherwise been a key component to the quick and safe recovery of the missing person.

Officers need to be aware of the need to act in a swift, organized, and efficient manner. As in the case of child abductions, studies show the majority of children are killed within the first three hours of the abduction.

We may not always be able to control the outcome of a missing person case we investigate or guarantee the safe return of a loved one to their family, but you in particular, and your department, will be judged on your initial actions in the first few minutes, hours, and days of a missing person investigation.

It is the goal of this manual to give you, the officers and field supervisors, the basic knowledge and guidance to appropriately respond to the challenge of a missing person case.

– The Missing Persons Advisory Committee

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Section **One**

Missing Persons Categories/Definitions

A. Categories*/Descriptions/Examples

Category	Description	Example
Runaway	A child who is reported missing but has left of their own free will or has been rejected or "thrown away" by their family	A 15 year old girl, who was angry about her parents' strict rules, is reported missing after she leaves home without telling her parents and fails to return.
Stranger Abduction	Child or adult who is taken or abducted against their will by an unknown person or a known person who is not a family member	A 10 year old girl is reported missing when she fails to come home from school and a neighbor reports seeing her being physically forced into a van by an unknown man.
Lost	Child or adult who is reported to have strayed away and whose whereabouts is unknown	A teenager is reported missing after he left a group of friends at their camp site to hike in a nearby wooded area and has failed to return before dark.
Suspicious Circumstances	Child or adult who is reported missing, and the circumstances give rise to believe that: <ul style="list-style-type: none"> ▶ foul play may be involved, ▶ the person is a danger to self or others (due to mental, physical, or emotional condition), or ▶ the disappearance is out of character for the individual and no known reasons can be determined 	A woman who is eight months pregnant and lives with her parents is reported missing when she does not return home from a shopping trip and is last seen getting into a vehicle and leaving the parking lot with two men.
Parent/Family Abduction	Child who is taken, detained, concealed, enticed away, or retained by a parent or other family member	A seven year old child is reported missing by the child's mother (who is the custodial parent) after the boy is picked up from school by the boy's father and taken to an undisclosed location.
Dependant Adult	Adult who is reported missing and who has physical or mental limitations which restrict their abilities to carry out normal activities	A 46 year old man with memory impairment who resides at a care facility is reported missing after leaving the facility with a group of unknown visitors and then boards a city bus.

Continued next page

*Currently listed under the Department of Justice's Criminal Justice Information System (CJIS) Missing Persons System (MPS)

SECTION ONE Missing Persons Categories/Definitions

Categories/Descriptions/Examples (cont)

Category	Description	Example
Voluntary Missing Adult	Adult who is reported missing, but who has left of their own free will	A woman who is otherwise very dependable is reported missing by her employer after the woman failed to report to work for three consecutive days and did not answer her phone. It is later determined that the woman moved out of her apartment on her own without telling anyone or leaving a forwarding address.
Unknown	Child or adult who is reported missing, but there are insufficient facts to determine the circumstances	A man is reported missing after he failed to return home in a reasonable amount of time after taking the family dog out for a walk.
Catastrophe	Child or adult who is reported missing and assumed to be a victim of some type of disaster (fire, flood, earthquake, terrorist act, etc.)	A woman last seen in her apartment is reported missing after the apartment building is destroyed by fire and the woman cannot be located.

B. Definitions Related to Missing Persons

The advisory committee recommends that these definitions be reviewed prior to reading the guidelines and curriculum for a clearer understanding of this topic.

Term	Definition
Missing Person	Any person who is reported missing to a law enforcement agency until the person is located or determined to be a voluntarily missing adult. It also includes any child who is missing voluntarily or involuntarily, or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance per Penal Code Section 14213 .
Reporting Myth	It is an incorrect assumption that 24 hours or any other time frame must pass before a law enforcement agency will accept a missing person report.
Evidence That a Missing Person is “At Risk”	“At Risk” per Penal Code Section 14213[b] includes, but is not limited to, the person missing being the victim of a crime or foul play, in need of medical attention, has no pattern of running away or disappearing, the victim of parent/family abduction, or mentally impaired.
AMBER Alert	Defined as America’s Missing: Broadcast Emergency Response Alert, which is a nationally recognized program used by law enforcement to help find children under the most serious life threatening conditions. This is a rapid notification to the public, which utilizes all available technology during the most critical period after a child/missing person has been abducted. The AMBER Alert is limited to specific criteria – see References: AMBER Alert Procedures .

Continued next page

SECTION ONE Missing Persons Categories/Definitions

Definitions Related to Missing Persons (cont)

Term	Definition
Technology Based Notification Systems	A previous computer system known as TRAK (Technology to Recover Abducted Kids) has been replaced by a new software system called Critical Reach . This system is used to create flyers depicting the person’s photo and other related identification. Multiple copies can then be made and distributed to assist in locating a missing person or a wanted criminal suspect. Such systems are distributed free of charge to law enforcement agencies by the Critical Reach foundation. The National Center for Missing & Exploited Children (NCMEC) also offers the Lost Child Alert Technology Resource (LOCATER), which is also available to law enforcement at no cost.
Dental / Skeletal X-rays or Both and Medical Records	All X-rays, dental charts, records, models, and photographs which are in the possession of a dentist, physician, surgeon, or medical facility per Penal Code Section 14213 [f] .
DNA	Defined as a material that is found in the nucleus of white blood cells and some structures outside the nucleus called mitochondria. Known as the “blueprint of life” that acts as a genetic code that distinguishes one person from another.
DNA Data Base	The Department of Justice is responsible for the DNA data base for all cases involving the report of an unidentified deceased person or a high-risk missing person. See Penal Code Section 14250 for further definitions and details.
NCIC & CLETS	National Crime Information Center. Nationwide, on-line computer telecommunications system that is maintained by the FBI. Accessible via California Law Enforcement Telecommunications System (CLETS).
MPS	Missing Persons System, an automated database maintained by the Department of Justice (DOJ).
UPS	Unidentified Persons System, an automated database maintained by the Department of Justice (DOJ).
NIC Number	National Crime Information Center (NCIC) Number. A computer-generated number automatically assigned by NCIC to each accepted record. Usually noted on the reporting agency’s Missing Person report.
FCN Number	File Control Number. A computer-generated number automatically assigned by the Criminal Justice Information System (CJIS) to each accepted record. Usually noted on the reporting agency’s Missing Person report.

SECTION ONE Missing Persons Categories/Definitions

C. Missing Persons Categories – Quick Reference Chart

Term	Definition
Runaway	Any child who is voluntarily missing
Stranger Abduction	Missing person taken/kidnapped by a stranger (includes cases of a known abductor who is not a family member)
Lost	Missing person who has strayed away and whose whereabouts are unknown
Suspicious Circumstances	Circumstances which give rise to the belief that “foul play” may have been involved; the disappearance is out of character for the individual, and no known reason can be determined
Parent/Family Abduction	A child who has been taken, detained, concealed, enticed away, or retained by a parent, or non-parent family member
Dependent Adult	Adult who has physical or mental limitations which restrict his/her ability to carry out normal activities (i.e., Alzheimer’s disease, mentally handicapped)
Voluntary Missing Adult	Missing adult who has left on his/her own free will
Unknown Missing	Child or adult who is reported missing, but there are insufficient facts to determine the circumstances
Catastrophic Missing	Missing person is possibly a victim of a disaster (i.e., boating accident, plane crash, earthquake, flood, fire, terrorist act, etc.)

Section **Two**

Missing Persons Investigations

These guidelines are divided into five sections: Acceptance of Initial Call, Initial Response, Follow-Up Investigation, Reporting Responsibilities, and Closure of Investigation.

A. Acceptance of Initial Call

Guideline 1: Determination of missing person case and sensitivity to the reporting party

- A. Officers, dispatchers, or other designated personnel who take the initial call, by phone, in person, or by electronic media, should determine if the call is a missing person case according to the definition of a missing person – see References: [Missing Persons Categories](#).
- B. Reporting parties and families of missing persons often experience feelings of helplessness and anxiety. Dispatchers, officers, or other designated personnel dealing with these persons should be sensitive to those feelings, and respond appropriately.

Guideline 2: Confirmation of responsibility for acceptance of report, priority in handling, and agency notification.

- A. It is the duty of all law enforcement agencies to immediately assist any person who is attempting to make a report of a missing person or runaway, per [Penal Code Section 14210\[a\]](#). A report shall be accepted regardless of jurisdiction, per [Penal Code Section 14205\[a\]](#).
- B. If the California Highway Patrol (CHP) is contacted, including by phone, by someone wishing to make a report of a missing person, the CHP may take the report. After taking the report, the CHP shall immediately advise the reporting party of the name and phone number of the police or sheriff's department having jurisdiction over the residence of the missing person and the place where the missing person was last seen, per [Penal Code Section 14205\[a\]](#).
- C. In cases where the initial missing person report is taken by a department, other than that of the city or county of residence of the missing person, the department taking the report shall, without delay, notify and forward a copy of the report to the police or sheriff's department or departments having jurisdiction of the resident address of the missing person and of the place the missing person was last seen, per [Penal Code Section 14205\[c\]](#).

When dealing with missing person jurisdictional issues, it is not uncommon for multiple agencies to be involved in the same case. It is essential that agencies work closely together in order to enhance, and not impede, the investigation of the case.

SECTION TWO Guidelines For Handling Missing Persons Investigations

- D. Dispatchers, officers, or other designated personnel shall give priority to the handling of missing persons cases, including runaways, over reports relating to crimes involving property, per [Penal Code Section 14205\[a\]](#).
 - 1. The intent of this guideline is to ensure that missing person cases are given appropriate priority over property-related cases.
 - 2. Special attention should be given to reports of missing children or for persons with physical or mental limitations. These persons are at greater risk of harm.
 - 3. A common myth that 24 hours (or any other time frame) must pass before law enforcement will accept a missing person report is incorrect. A delay in reporting may indicate the existence of neglect or abuse within the family.

B. Officer's Initial Contact at the Scene

Guideline 3: Officer's initial contact: making an assessment at the scene.

- A. Officers or other designated personnel should interview, with sensitivity, the reporting party, and any witnesses to determine:
 - 1. That this is a missing person case.
 - 2. If the person may be at risk – or existence of any suspicious circumstances.
 - 3. If there is any potential crime scene area and/or potential witnesses.
- B. Many times, parents or guardians are anxious to assist law enforcement in the initial phase of the investigation and they will want to provide additional documents to assist in the location of their loved one. Besides obtaining a photograph of the missing person, additional items such as fingerprint cards obtained through community fair projects, items containing DNA samples of the missing person, or other related documents may be offered voluntarily by the family. It is recommended that responding officers accept these items and properly document their collection in their reports. They should also inform the follow-up investigators that these items have been collected.

Guideline 4: Making a further assessment to determine what reasonable steps should be taken to locate the missing person.

- A. Based upon the law, circumstances of each case and departmental policy, appropriate actions minimally include:
 - 1. Obtaining description of missing person.
 - 2. Broadcasting a "Be On the LookOut" (BOLO) bulletin within its jurisdiction if the person is under 16 years of age; or there is evidence that the missing person is at risk. The "BOLO" should be broadcast without delay, per [Penal Code Section 14205\[a\]](#).
- B. Determine if the missing person fits the mandatory criteria for an [AMBER Alert](#). The criteria are:
 - 1. Child must be under the age of 18, or of proven mental or physical disability
 - 2. Belief the child is in imminent danger of bodily injury or death

SECTION TWO Guidelines For Handling Missing Persons Investigations

3. Must have accurate information on at least one of the following:
 - a. Description of child **or**
 - b. Description of suspect **or**
 - c. Description of vehicle
 4. If above criteria are met, and there is no extenuating investigative need that dictates otherwise, the Emergency Alert System ([EAS](#)) should be activated – see References: [Activation procedures](#).
 5. If the missing person does not fit the above criteria, officers should continue to exercise discretion in determining which of the many other tools available would be the most appropriate for transmitting information and photographs to other officers, the media, and the public.
- C. Consider calling a supervisor and/or investigator to the crime scene.
- D. Thoroughly search the immediate and surrounding area in a logical and systematic manner.
1. Process any potential crime scene for evidence
 2. Identify and interview potential witnesses
 3. Consider using a standardized search checklist, which should include the last known location of the missing person and any likely locations where the person may have gone.
 4. Consider using additional resources to assist in the search
 - a. Federal Bureau of Investigation (FBI)
 - b. Office of Emergency Services ([OES](#))
 - c. Department of Justice (DOJ)
 - d. [Critical Reach](#), National Center for Missing and Exploited Children ([NCMEC](#)), and others – see References
- E. Examine court orders regarding custody matters, if applicable.
- F. Consider notifying other agencies for assistance in locating the missing person in their related jurisdictions.
1. The agency where the missing person was last seen may initiate the investigation
 2. It is essential that agencies work together to enhance the success of the investigation.
- G. Request voluntary assistance from the family or reporting party in obtaining initial items of evidence belonging to the missing person such as:
1. Recent photograph(s) of victim
 - a. Try to also obtain an additional photograph depicting the victim smiling with their teeth showing (beneficial for assisting in dental comparison and identification)
 2. Personal clothing, bedding, personal hygiene items, etc., that may contain DNA with evidentiary value.

SECTION TWO Guidelines For Handling Missing Persons Investigations

3. Any personal items that contain the missing person's scent (for search dogs).
 - a. Suggested items include hat, comb/brush, sock, under garments, etc., that were recently worn by the missing person and not handled by anyone else.
 - b. Items taken from a family laundry hamper, containing a mix of family member's clothing, will not be beneficial.
 - c. Such "scent articles" should be placed in a clean paper bag using a clean glove or a clean stick.
4. Personal electronic devices (cell phones, or cell phone number for tracking purposes, computers, and any online resources such as: screen names, email sources, websites they may frequent, etc.)
- H. Obtain a list of persons known by the missing persons
 1. Friends, co-workers, acquaintances, associates, etc.
- I. Obtain a list of locations frequented by the missing person

Guideline 5: Provide reporting party with Department of Justice [Form #BCIA 4048](#) authorizing the release of dental or skeletal X-rays or both, and photograph(s), including instructions on when to obtain these and submit them to the agency, per [Penal Code Section 14206\[a\]\[1\]](#).

- A. Officers, dispatchers, or other designated personnel shall give the reporting party, in person or by mail, a Department of Justice form ([BCIA 4048](#), two-sided form for missing adult or missing juvenile). This form, when completed by a reporting party or a family member or guardian, authorizes the release of dental/medical records, and/or dental and skeletal X-rays, and the release of a recent photograph if the missing person is under 18 years of age – see References: [Department of Justice \(DOJ\) Related Reporting Forms](#).
 1. The form's instructions state that if the person is still missing 30 days after the report is made, that the form is to be signed by a family member or next of kin and taken to the appropriate medical authority. The family member or next of kin shall obtain the dental/medical and or skeletal X-rays (includes all such records, including models and photographs) which are in the possession of a dentist, physician, surgeon, or medical facility, and within ten days submit them to the agency with jurisdiction over the investigation.
 2. Dentists, physicians, surgeons, and medical facilities must release the X-rays to the person presenting the request.
 - a. Request copies of dental/treatment history charts. Experience has shown that dental charts can be very helpful, along with X-rays, to establish the positive identification of an unidentified deceased person.
- B. The form also instructs the reporting party to take the completed form to the appropriate medical authority immediately when the disappearance involves evidence the person is "at risk" regardless of age or the missing child is under 16 years of age and has been missing at least 14 days. The dental records and a recent photograph shall immediately be submitted to the law enforcement agency. In these cases, the law enforcement agency may confer with the coroner or medical examiner and submit the report and dental records to DOJ within 24 hours.

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- C. When a child (under 18 years) is at risk or missing under suspicious circumstances, the agency may immediately obtain dental/skeletal X-rays, medical records, and a photograph by the use of a “Written Declaration” per [Penal Code Section 14206 \[a\]\[2\]](#) – see References: [Declaration of Authority For Seizure of Dental and Medical Records](#).
 - 1. In such cases, the agency may immediately confer with the coroner or medical examiner and submit the agency’s report, dental/skeletal/medical records, and photograph to the Attorney General’s Office within 24 hours.

Follow-Up Investigation

Special note: The Advisory Committee suggests that the *initial investigation* should be handled by the agency of jurisdiction where the missing person was last seen. This includes entry of the missing person into the Department of Justice’s MPS (Missing Persons System) and coordinating a bilateral investigation with the agency of the missing person’s residence. Once this agency has exhausted all investigative leads, the case should be transferred to the agency that has jurisdiction over the missing person’s residence. This would include making the proper computer notation with the Department of Justice as to the agency responsible for the investigation. Any future leads should be routed to the agency with jurisdiction based on the missing person’s residence. It is imperative that all agencies involved in the missing person investigation work closely together, enhancing the probability of locating the missing person.

[Penal Code Section 14205\[c\]](#) requires that the agency taking the initial missing persons report “to promptly notify” and send copies of the report to the department that has jurisdiction over the missing person’s resident address and to the agency where the missing person was last seen.

Guideline 6: Initiate follow-up contacts within 30 days.

- A. Officers or other designated personnel should consider re-contacting the reporting party within 30 days of the initial report to determine if any additional information may have become available via the reporting party.
- B. Other agencies involved in this case should also be contacted to determine if any additional information is available.

Guideline 7: Obtain the photograph, dental/skeletal X-rays, and medical records by “written declaration” when a person is still missing after 30 days, per [Penal Code Section 14206\[a\] \[1\]](#).

- A. When any person has not been found within 30 days, and no family or next of kin can be located, a written declaration may be executed. The declaration should state that an active investigation, seeking the location of the missing person, is being conducted and that dental records (dental charts and dental X-rays) and any available skeletal X-rays, are necessary to proceed with the investigation.
- B. The written declaration, signed by a peace officer, is sufficient authority for the appropriate medical authority to release the requested medical records.

SECTION TWO Guidelines For Handling Missing Persons Investigations

Guideline 8: Law enforcement agencies shall advise family or relatives of a missing person of their right to provide a voluntary sample for DNA testing, per [Penal Code Section 14250\[c\]\(2\)](#)

- A. After a report has been made of a person missing under high-risk circumstances, the responsible investigating law enforcement agency shall inform the parents or other appropriate relatives, no longer than 30 days after the initial report, that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal article belonging to the missing person.
- B. The agency representative making this contact shall use the Department of Justice (DOJ) release form which gives the agency the authority to collect the DNA samples. Parents or relatives are required to sign this form – see References: [Missing Persons DNA Program](#).
 1. Submitting samples for DNA analysis is voluntary. No incentive or coercion may be used to compel a parent or relative to provide a sample per [Penal Code Section 14250\[c\]\(3\)](#).
 2. Additional reference - POST DVD telecourse on "[Missing and Unidentified Persons: DNA – The Genetic Link](#)" that was produced in September/2002 by the POST Training Program Services Bureau.
- C. Samples of personal items belonging to the missing person, that may contain DNA, are collected with the assistance of the family.
 1. Such items may include personal clothing, bedding, personal hygiene items, etc.
 - a. It is suggested that the follow-up investigator check the original report to see what other items containing DNA may have been submitted by the family in the initial contact phase of this report.
 - b. Items of evidence should be collected and processed as per the agency's policy to avoid contamination.
- D. The investigator or agent of the department shall use the approved Department of Justice DNA Missing Persons Specimen Collection Kit when taking samples from the parents/relatives, or of other personal items of the missing person.
 1. In addition to collecting samples from the missing person's articles, samples should also be collected from both biological parents of the missing person. If both parents are not available – see References: [DNA Sample Collection](#).
- E. See Addendum: [Penal Code Section 14250](#) for further clarification and restrictions to the collection and use of DNA samples.

Guideline 9: Confer with the Coroner or Medical Examiner and submit a Missing Person Report and the dental charts and original (preferred) dental X-rays, skeletal X-rays, or both, and photographs to the Attorney General's Office, Department of Justice when any Missing Person has not been found within 45 days, per [Penal Code Section 14206\[b\]](#).

- A. If the missing person has not been found within 45 days, the officer or other designated personnel within the agency initiating or conducting the investigation may confer with the coroner or medical examiner for comparison to unidentified deceased persons. The coroner or medical examiner is required to cooperate with law enforcement in these efforts.

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- B. After conferring with the coroner or medical examiner, the investigating officer or other designated personnel may submit a missing person report to DOJ, with dental or skeletal X-rays, or both, and photograph if the missing person is under 18 years of age.
 - 1. The advisory committee suggests that both dental records (X-rays and dental charts) and skeletal X-rays be submitted.
- C. The officer or other designated personnel should send a copy of the release form with the photograph(s) to DOJ – see References: [BCIA 4048 – Missing Juvenile](#).
- D. Local reporting agencies shall attempt to obtain the most recent photograph available for persons under 18 years of age and forward the photograph to DOJ, per [Penal Code Section 14209\[b\]](#).
- E. Recent enactment of state and federal statutes, most particularly [Health Insurance Portability and Accountability Act \(HIPAA\)](#) should not be a hindrance when it comes to the coroner or medical examiner acquiring health records in the performance of their duties – see References: [Code of Federal Regulations \(CFR\)](#) .

C. Reporting Responsibilities

Guideline 10: Reporting responsibilities: the agency taking the missing person report shall submit the report to the Attorney General’s Office, Department of Justice, per [Penal Code Section 14205\[b\]](#).

- A. The report shall be submitted through the California Law Enforcement Telecommunications System (CLETS) on-line missing persons system.
- B. The CLETS entry will automatically generate a report to the Department of Justice’s CJIS/MPS (Criminal Justice Information System / Missing Persons System)
- C. When a missing person is entered into the CJIS/MPS system, the record is automatically sent to NCIC and entered into the NCIC Missing Person File, creating a NIC Number for the case.

Guideline 11: When a missing person report is taken, the agency shall promptly notify and send a copy of the report to the department that has jurisdiction over the missing person’s resident address and to the agency where the missing person was last seen per [Penal Code Section 14205\[c\]](#).

- A. Officers, dispatchers, or other designated personnel who take a missing person report on a person who resides outside their departments’ jurisdiction shall, without delay, notify and forward a copy of that report, when completed, to the police or sheriff’s department having jurisdiction over the missing person’s residence address and where the missing person was last seen.
- B. It may also be appropriate to notify the agency having jurisdiction of the missing person’s intended destination.
- C. Agencies should define, through their department policies, the words “without delay” with a specific time frame that conveys urgency with the understanding that a child/adult may potentially be in danger.

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Guideline 12: Missing person reports must be entered into the Department of Justice’s Missing Persons System (MPS) within four (4) hours.

- A. Information regarding missing persons under the age of 16 years of age, or where there is evidence that the missing person is “at risk,” shall be entered in the DOJ Missing Persons System (MPS) within four (4) hours by the agency taking the report per [Penal Code Section 14205\[b\]](#).
- B. The agency taking the initial report should make the MPS entry.
- C. **Special note:** A report of a missing person under the age of 21 must be reported to the U.S. Department of Justice’s National Crime Information Center ([NCIC](#)) per Federal Law, Crime Control Act of 1990, which was amended by Suzanne’s Law in April 30, 2003. This law change was enacted to address the issue of college age children/young adults who can fall victim to abduction or homicide – see References: [Code of Federal Regulations \(CFR\)](#).

Guideline 13: Within ten (10) days of a child’s disappearance, the agency responsible for investigation of the missing child shall inform the child’s school that he/she is missing. The notice shall be in writing and, if available, include a photograph per [California Education Code 49068.6\(a\)](#). Law enforcement agencies may establish a process to inform local schools about abducted children per [California Education Code 49068.6\(c\)](#)

Note to investigator:

No standard statewide form is currently mandated, but a detailed form is essential. See sample form – see References: [School Notification Missing Child](#). It is strongly recommended that your agency form be printed on brightly colored paper.

It is recommended that an agency representative meet with school officials to notify them of the missing student, and to review the form (that will be attached to the student’s file). The agency representative will explain to them the importance of any future documentation, and the agency’s responsibilities if a person calls to request transferring the missing student’s files to another school district.

- A. Such inquiries are common among parental disputes that have resulted in a child abduction by a parent.
- B. If school personnel are unfamiliar with how to handle such an inquiry, they may lose a valuable investigative lead that could facilitate the return of an abducted child to the rightful (court ordered) parent/guardian.

Guideline 14: When a missing person is found, the agency must report this to the Attorney General’s Office, Department of Justice and shall report it to the other agencies as appropriate, per [Penal Code Section 14207](#).

- A. When any person reported missing is found, the officer, dispatcher, or other designated personnel shall immediately report that information to DOJ.
- B. The reporting party and other involved agencies shall be notified in accordance with local policy. This includes a reported missing juvenile’s school.
- C. Any automated systems entries shall be canceled.

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- D. Information regarding any found, unidentified persons, alive or deceased, should be entered into the Criminal Justice Information System/Unidentified Persons System (CJIS/UPS).
- E. When a child under 12 years of age, or a person who is at risk is found, the report of finding shall be made within 24 hours, per [Penal Code Section 14207\[b\]](#).
- F. The locating agency shall also report to the law enforcement agency that took the initial report, per [Penal Code Section 14207\[b\]](#).
- G. When any missing person is found alive or dead, in less than 24 hours, and is suspected to have been abducted, the law enforcement agency shall submit a report to DOJ, per [Penal Code Section 14207\[c\]](#).
- H. In the event that a missing person is found before being reported missing to DOJ, a missing person report entry (followed by a cancellation) must still be made into CJIS/ MPS systems and shall still be submitted to DOJ, per [Penal Code Section 14207\[c\]](#).

D. Closure of Missing Person Investigation

Guideline 15: Considerations for closure of missing person investigation.

- A. Careful consideration should be made concerning clearing a missing person investigation.
- B. Obvious closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- C. Inability to move forward in the investigation should not be a reason for closing a case.
 - 1. By closing a case in such a manner, all evidence may be lost for the future identification of a deceased person.
 - 2. An unidentified body may be discovered several years later, after the missing person report had been filed and prematurely closed.
 - 3. In such a case, there may be no relevant evidence that may assist in identifying the body, further hindering a death investigation.
- D. When the reported missing person is under the age of eighteen (18):
 - 1. The missing child should remain classified under their actual age as when originally reported missing, regardless of their current age.
 - 2. The missing child report should not be cancelled and re-entered simply because the child has reached adulthood.
 - 3. The missing child report should not be removed or cancelled from the Criminal Justice Information System / Missing Persons System (CJIS/MPS) due to emancipation, or reaching adulthood.
 - 4. Missing juvenile report(s) should not be removed or cancelled due to the discovery of any warrant (civil or criminal) that had been issued for the missing person. In prior years, the NCIC system only allowed for one entry, however this system has been updated and now allows for multiple entries per reported subject.

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E. Missing Person Reporting Responsibility Reference Chart

Based on current law and suggestions by the California DOJ and California POST guidelines

Category	MPS Entry	BOLO Within Own and Other Appropriate Jurisdictions	Coroner Check	Release Form for Photograph, Dental/ Skeletal X-Rays Submitted to DOJ	Written Notice To School With Photograph Education Code 49068.6	DNA Advise of right to submit sample PC 14250(C)(2)
Child at Risk	Within 4 hrs PC 14205(b)	Without delay PC 14205(a)	Within 24 hrs PC 14206(a)(2)	Within 24 hrs PC 14206(a)(2)	Within 10 days	Within 30 days
Under 16 Not at Risk	Within 4 hrs PC 14205(b)	Without delay PC 14205(a)	14 days 14206(a)(2) PC	14 days PC 14206(a)(2)	Within 10 days	Within 30 days
16 & Over Not at Risk	Immediately	DOJ recommends	45 days PC 14206(b)	45 days PC 14206(b)	Within 10 days	Within 30 days
Adult at Risk	Within 4 hrs PC 14205(b)	Without delay PC 14205(a)	14 days PC 14206(a)(2)	14 days PC 14206(a)(2)	N/A	Within 30 days
Adult Not at Risk	Within 45 days PC 14206(b)	DOJ recommends	45 days PC 14206(b)	45 days PC 14206(b)	N/A	Within 30 days
Suzanne's Law Under 21 42 USCS 5779 & 5780	*Immediately	DOJ recommends	Based on risk & above laws	Based on risk & above laws	N/A	Within 30 days

*Also referenced by California DOJ Information Bulletin No. 04-20-BCIA dated 11-04-04

Revised April 2006

Section **Three**

Course Outline Guide for Missing Person Investigations

A. Legal Reference

[Penal Code Section 13519.1](#), effective January 1, 1988, required the POST Commission to implement a course of instruction for law enforcement officers and dispatchers in handling missing person and runaway cases by July 1, 1988. The course of basic training for law enforcement officers and law enforcement dispatchers was required to incorporate instruction in their programs on the topic of missing person and runaway cases by January 1, 1989. All law enforcement officers and law enforcement dispatchers who have received their basic training before January 1, 1989, were required to participate in supplementary training on missing person and runaway cases, as prescribed and certified by the POST Commission. The training of all said officers was to be completed by no later than January 1, 1991. Since that time, the topic of missing person and runaway cases remains in the core curriculum of basic training for law enforcement officers and dispatchers. [Penal Code Section 14204](#) also requires the POST Commission to provide training to peace officers to efficiently handle, on the local level, the tracing of missing persons and victims of violent crimes. Local law enforcement agencies are encouraged to include such training as part of their Advanced Officer and Dispatcher Update training programs.

B. Background

This curriculum was developed and revised with the input of a number of advisory committees over the years. The curriculum is based upon POST guidelines for handling missing person and runaway cases, which was developed with the input of the advisory committees as well. The curriculum was approved by the POST Commission and became effective January 1, 1989. The curriculum was updated in 1998 and 2000, with the input of newly formed advisory committees – see [Advisory Committee Members](#). Curriculum and Guideline revisions were based on related Legislative Bills that amended and created new Penal Code sections, related to the topic of Missing Persons and Runaway cases, and input from the related advisory committees.

C. Certification Information

The following curriculum is applicable in its entirety to the Basic Course. Designated portions of the training are applicable to in-service officers who have received their basic training before January 1, 1989. This supplementary training for in-service officers may be included as part of advanced officer courses or as part of a technical course. Basic and supplementary training for dispatchers includes a minimum two-hour overview of all topics, with particular emphasis on those aspects performed by dispatchers. To assist presenters and instructors, the POST Training Specifications for the Regular Basic Course and Basic Dispatcher Course are available upon request to provide more detailed information on this curriculum.

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D. Training Topics

- A. Benefits for law enforcement involvement and sensitivity
- B. Initial response procedures
- C. Locating missing persons
- D. Legal requirements for initial response and follow-up

Total: minimum of 4 hours training

For in-service officers completing basic training prior to January 1, 1989, supplementary training consists of a minimum of two hours with emphasis on these topics.

E. Course Curriculum Guide

Learning goal: The student will gain the ability to manage missing person cases.

- A. Benefits for law enforcement involvement and sensitivity
 - 1. The student will identify the benefits for law enforcement involvement in missing person cases including:
 - a. Community support
 - b. Personal/professional satisfaction
 - c. Reduction of civil liability
 - 2. The student will identify the reasons officers should exhibit sensitivity in handling missing person cases including:
 - a. Public's feelings of helplessness/trauma/fear/anger
 - b. Valuable public service opportunity
 - c. Public's unfamiliarity with law enforcement procedures
- B. Initial response procedures
 - 1. The student will identify procedures required for the initial investigation and response to missing person cases including:
 - a. Verification that this is a missing person case
 - b. Determine type of missing person case
 - c. Determine existence of suspicious circumstances/risk factors
 - d. Identify and isolate any potential crime scene area
 - e. Obtain description of victim and possible suspect(s)
 - f. Identify potential witnesses
 - g. Obtain recent photograph of victim
 - h. Determine steps to be taken to locate victim
 - i. Call a supervisor or investigator if appropriate

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- j. Notification of other agencies
 - k. Complete a comprehensive report
 - 2. The student will identify the reasons for making a thorough search of the missing person's home, vehicles, and yard at the onset of the investigation.
 - 3. The student will identify the influence of the following conditions on the nature and level of response to a report of a missing person:
 - a. Age
 - b. Victimization
 - c. Missing person's knowledge of the area
 - d. Suspicious circumstances
 - e. Mental or emotional condition
 - f. Medical or physical condition
 - g. Weather
 - h. Time of day
 - i. Resources available to missing person
 - j. Length of time missing
 - k. Custody status
- C. Locating missing persons
 - 1. The student will identify the means for locating missing persons including:
 - a. Making a local Be On The LookOut (BOLO) broadcast
 - b. Calling an AMBER Alert, based on qualifying criteria
 - c. Searching the area
 - d. Determining the existence of court orders regarding custody matters
 - e. Utilizing additional resources
- D. Legal requirements for initial response and follow-up
 - 1. The student will identify the legal and departmental requirements for the initial handling of missing person cases including:
 - a. Accepting the report regardless of jurisdiction per [Penal Code 14205\[a\]](#)
 - b. Priority of response per [Penal Code Section 14205\[a\]](#)
 - c. That a BOLO broadcast be made, without delay, if the missing person is under 16 years of age, or there is evidence that the person is "at risk" per [Penal Code Section 14205 \[a\]](#)
 - d. That a report be submitted to the Attorney General's Office, Department of Justice, within four (4) hours, if the person reported missing is under 16 years of age, or if there is evidence that the person is "at risk" per [Penal Code Section 14205\[b\]](#)

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- e. The requirement of the “immediate” reporting of a missing child under 21 years of age to the National Crime Information Center ([NCIC](#)) per the Code of Federal Regulations (CFR), Title 42, Chapter 72, Subchapter IV – Missing Children, Sections [5779](#) and [5780](#).
 - f. Issuance of DOJ authorization to release form, in regards to obtaining dental and/or skeletal X-rays of the reported missing person and the authorization to use a recent photograph of the missing person, under age 18 per [Penal Code Section 14206\[a\] \[1\]](#)
 - g. It is the law enforcement agency’s duty to immediately assist any person who is attempting to make a report of a missing person or runaway per [Penal Code Section 14210\[a\]](#)
2. The student will identify the legal requirements for the handling of follow-up investigations dealing with missing person cases including:
- a. In the case of a missing child, the law enforcement agency shall notify that child’s school in writing of the child’s disappearance within 10 days per [California Educational Code 49068.6](#)
 - b. Peace officer’s right to obtain school records pertaining to a missing child’s identity, location, and limitations on the use of those records per [California Educational Code 49076.5](#)
 - c. Obtaining photograph, dental, or skeletal records per [Penal Code Section 14206\[a\] \[1\] \[2\]](#)
 - d. Conferring with coroner or medical examiner per [Penal Code Sections 14206\[a\] \[2\] and 14206\[b\]](#)
 - e. Notification to other agencies when the reported missing person is located per [Penal Code Sections 14207\[a\], \[b\], and \[c\]](#)
 - f. The obtaining of voluntary DNA samples from parents or family members and/or collection of personal articles belonging to the missing person that may contain that person’s DNA per [Penal Code Section 14250c \[2\]](#)
 - g. Limitations on use of DNA and penalties for violation per [Penal Code Section 14250\[c\] \[7\]](#)
 - h. Cancellation of automated system entries when person is located per [Penal Code Sections 14207](#)

Section **Four**

References

Navigation note: government code [a](#). [hyperlinks in this section will jump to the Web.](#)

A. Government Code Sections Related to Missing Persons

The advisory committee has identified a number of government code sections that are applicable to missing persons investigations and this code has been reproduced here for your reference. *Text of the various code sections have also been italicized for your quick reference to identify the main topic of the particular section.* These are not all inclusive and you may need to research additional sections (using the most current government codes) for further clarifications.

1. California Penal Code Sections 14200-14213 and 14250

14200 *Establishment and Maintenance; Purpose; Programs*

The Attorney General shall establish and maintain the *Violent Crime Information Center to assist in the identification and the apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons, particularly children and dependent adults.* The center shall establish and maintain programs that include, but are not limited to, all of the following: developing violent offender profiles, *assisting local law enforcement agencies and county district attorneys by providing investigative information on persons responsible for specific violent crimes and missing person cases.* They will provide physical description information and photographs, if available, of missing persons to county district attorneys, nonprofit missing persons organizations, and schools; and providing statistics on missing dependent adults and on missing children, including, as may be applicable, family abductions, non-family abductions, voluntary missing, and lost children or lost dependent adults.

14201 *Automated Computer System for Response to Missing Persons*

- (a) The Attorney General shall establish within the center and shall maintain an online, automated computer system designed to affect an immediate law enforcement response to reports of missing persons. The Attorney General shall design the computer system, using any existing system, including the California Law Enforcement Telecommunications System, to include an active file of information concerning persons reported to it as missing and who have not been reported as found. The computer system shall also include a confidential historic database. *The Attorney General shall develop a system of cataloging missing person reports according to a variety of characteristics in order to facilitate locating particular categories of reports as needed.*

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- (b) The Attorney General's active files described in subdivision (a) shall be made available to law enforcement agencies. The Attorney General shall provide to these agencies the name and personal description data of the missing person including, but not limited to, the person's date of birth, color of eyes and hair, sex, height, weight, and race, the time and date he or she was reported missing, the reporting agency, and any other data pertinent to the purpose of locating missing persons. However, the Attorney General shall not release the information if the reporting agency requests the Attorney General in writing not to release the information because it would impair a criminal investigation.
- (c) *The Attorney General shall distribute a missing children and dependent adults bulletin on a quarterly basis to local law enforcement agencies, district attorneys, and public schools.* The Attorney General shall also make this information accessible to other parties involved in efforts to locate missing children and dependent adults and to those other persons, as the Attorney General deems appropriate. This section shall become operative on July 1, 1989.

14201.1 *Violent Crime Information Network*

The Attorney General shall establish and maintain, upon appropriation of funds by the Legislature, the Violent Crime Information Network within the center to enable the Department of Justice crime analysts with expertise in child abuse, missing persons, child abductions, and sexual assaults to electronically share their data, analysis, and findings on violent crime cases with each other, and to electronically provide law enforcement agencies with information to assist in the identification, tracking, and apprehension of violent offenders. *The Violent Crime Information Network shall serve to integrate existing state, federal, and civilian databases into a single comprehensive network.*

14201.5 *Missing and Exploited Children's Recovery Network*

- (a) The Attorney General shall establish within the Department of Justice the Missing and Exploited Children's Recovery Network by July 31, 1995.
- (b) This network shall consist of an automated computerized system that shall have the capability to electronically transmit to all state and local law enforcement agencies, and all cooperating news media services, either by facsimile or computer modem, a missing child poster that includes the name, personal description data, and picture of the missing child. The information contained in this poster shall include, but not be limited to, the child's date of birth, color of eyes and hair, sex, height, weight, race, the time and date he or she was reported missing, the reporting agency, including contact person at reporting agency if known, and any other data pertinent to the purpose of locating missing persons.
- (c) *The Department of Justice shall work in cooperation with the National Center for Missing and Exploited Children to develop and implement a network that can electronically interface with the National Missing and Exploited Children's Network.*
- (d) The Attorney General shall implement this network within existing Department of Justice resources.

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14201.6 *Department of Justice's Publicly Accessible Internet Directory*

- (a) *The Department of Justice shall establish and maintain a publicly accessible computer internet directory of information relating to the following:*
 - (1) Persons for whom an arrest warrant has been issued pursuant to an alleged violation of any offense defined as a violent felony in subdivision (c) of Section 667.5.
 - (2) Critical missing children.
 - (3) Unsolved homicides.
- (b) The Attorney General may determine the extent of information and the priority of cases to be included in the directory.
- (c) The department shall keep confidential, and not enter into the directory, either of the following:
 - (1) Information regarding any case for which the Attorney General has determined that disclosure pursuant to this section would endanger the safety of a person involved in an investigation or the successful completion of the investigation or a related investigation.
 - (2) Information regarding an arrest warrant for which the issuing magistrate has determined that disclosure pursuant to this section would endanger the safety of a person involved in an investigation or the successful completion of the investigation or a related investigation.
- (d) For purposes of this section, "critical missing child" includes, but is not limited to, any case of a missing child for which there is evidence or indications that the child is at risk, as specified in subdivision (b) of Section 14213.

14202 *Investigative Support Unit – Automated Violent Crime System*

- (a) The Attorney General shall establish and maintain within the center an investigative support unit and an automated violent crime method of operation system to facilitate the identification and apprehension of persons responsible for murder, kidnap, including parental abduction, false imprisonment, or sexual assault. ***This unit shall be responsible for identifying perpetrators of violent felonies collected from the center and analyzing and comparing data on missing persons in order to determine possible leads that could assist local law enforcement agencies.*** This unit shall only release information about active investigations by police and sheriffs' departments to local law enforcement agencies.
- (b) The Attorney General shall make available to the investigative support unit files organized by category of offender or victim and shall seek information from other files as needed by the unit. This set of files may include, among others, the following:
 - (1) Missing or unidentified, deceased persons' dental files, filed per [Government Code Section 27521](#), or [Health and Safety Code Section 102870](#).
 - (2) Child abuse reports filed per [Penal Code Section 11169](#).
 - (3) Sex offender registration files maintained per [Penal Code Section 290](#).
 - (4) State summary criminal history information maintained per [Penal Code Section 11105](#).
 - (5) Information obtained pursuant to the parent locator service maintained per [Welfare and Institutions Code Section 11478](#).

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- (6) Information furnished to the Department of Justice pursuant to [Penal Code Section 11107](#).
- (7) Other Attorney General's office files as requested by the investigative support unit. This section shall become operative on July 1, 1989.

14202.1 Violent Crime Information System

The Attorney General shall establish and maintain, upon appropriation of funds by the Legislature, within the center the Violent Crime Information System to track and monitor violent offenders and their activities. The Violent Crime Information System shall use computer technology to compare unsolved crime scene and methods of operation information against the file of known violent sexual assault, kidnapping, and homicide offenders, containing over 40,000 violent, kidnapping, and homicide offenders. *The system shall provide local law enforcement agencies with investigative leads to assist in the resolution of violent crimes.*

14202.2 Law Enforcement Telecommunications System (updated list of recently paroled inmates and mental health treatment releases)

- (a) The Department of Justice, in conjunction with the Department of Corrections, shall update any supervised release file that is available to law enforcement on the California Law Enforcement Telecommunications System every 10 days to reflect the most recent inmates paroled from facilities under the jurisdiction of the Department of Corrections.
- (b) Commencing on July 1, 2001, The Department of Justice, in consultation with the State Department of Mental Health, shall also update any supervised release file that is available to law enforcement on the California Law Enforcement Telecommunications System every 10 days to reflect patients undergoing community mental health treatment and supervision through the Forensic Conditional Release Program administered by the State Department of Mental Health. This does not include individuals committed as incompetent to stand trial pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2.

14203 Online missing persons registry; historic data base; disclosure

- (a) *The online missing person's registry shall accept and generate complete information on a missing person.*
- (b) The information on a missing person shall be retrievable by any of the following:
 - (1) The person's name
 - (2) The person's date of birth
 - (3) The person's Social Security number
 - (4) Whether a dental chart has been received, coded, and entered into the National Crime Information Center Missing Person System by the Attorney General.
 - (5) The person's physical description, including hair and eye color and body marks.
 - (6) The person's known associates
 - (7) The person's last known location

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- (8) The name or assumed name of the abductor, if applicable, other pertinent information relating to the abductor or the assumed abductor, or both.
- (9) Any other information, as deemed appropriate by the Attorney General.
- (c) The Attorney General, in consultation with local law enforcement agencies and other user groups, shall develop the form in which information shall be entered into the system.
- (d) The Attorney General shall establish and maintain within the center a separate, confidential historic database relating to missing children and dependent adults. The historic database may be used only by the center for statistical and research purposes. The historic database shall be set up to categorize cases relating to missing children and dependent adults by type. These types shall include the following: runaways, voluntary missing, lost, abduction involving movement of the victim in the commission of the crime or sexual exploitation of the victim, non-family abduction, family abduction, and any other categories as determined by the Attorney General. In addition, the data shall include the number of missing children and missing dependent adults in this state and the category of each case.
- (e) The center may supply information about specific cases from the historic database to a local police department, sheriff's department, or district attorney, only in connection with an investigation by the police department, sheriff's department, or district attorney of a missing person case or a violation or attempted violation of Section 220, 261.5, 262, 273a, 273d, or 273.5, or any sex offense listed in Section 290, except for the offense specified in subdivision (d) of Section 243.4.

14204 *Training on Service (training on tracing of missing persons)*

The Attorney General shall provide training on the services provided by the center to line personnel, supervisors, and investigators in the following fields: law enforcement, district attorneys' offices, the Department of Corrections and Rehabilitation, probation departments, court mediation services, and the judiciary. The Corrections Standards Authority shall provide for the presentation of training to peace officers, which will enable them to more efficiently handle, on the local level, the tracing of missing persons and victims of violent crimes.

14205 *Reports of Missing Persons; Children under 16 or Persons at Risk*

- (a) *All local police and sheriffs' departments shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property.* In cases where the person making a report of a missing person or runaway contacts, including by telephone, the California Highway Patrol, the California Highway Patrol may take the report. Then they shall, immediately, advise the person making the report of the name and telephone number of the police or sheriff's department having jurisdiction of the residence address of the missing person and of the name and telephone number of the police or sheriff's department having jurisdiction of the place where the person was last seen. In cases of reports involving missing persons, including, but not limited to, runaways, the local police or sheriff's department shall immediately take the report and assess reasonable steps to be taken to locate the person. If the missing person is under 16 years of age, or there is evidence that the person is at risk, the department shall broadcast a "Be On The Look-Out" bulletin, without delay, within its jurisdiction.

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- (b) If the person reported missing is under 16 years of age, or if there is evidence that the person is at risk, the local police, sheriff's department, or the California Highway Patrol **shall submit the report to the Attorney General's office within four hours after accepting the report.** After the California Law Enforcement Telecommunications System online missing person registry becomes operational, the reports shall be submitted, within four hours after accepting the report, to the Attorney General's office using the California Telecommunications System.
- (c) In cases where the report is taken by a department, other than that of the city or county of residence of the missing person or runaway, the department, or division of the California Highway Patrol taking the report shall, immediately, and, in the case of children under 16 years of age or where there was evidence that the missing person was at risk, within no more than 24 hours, **notify, and forward a copy of the report to the police or sheriff's department or departments having jurisdiction of the residence address of the missing person or runaway and of the place where the person was last seen.** The report shall also be submitted by the department or division of the California Highway Patrol, which took the report to the center.
- (d) The requirements imposed by this section on local police and sheriff's departments shall not be operative if the governing body of that local agency, by a majority vote of the members of that body, adopts a resolution expressly making those requirements inoperative.

14206 *Form requirements for report of Missing Person and authorization for collection of related medical records*

- (a)(1) When any person makes a report of a missing person to a police department, sheriff's department, district attorney's office, California Highway Patrol, or other law enforcement agency, the report shall be given in person or by mail in a format acceptable to the Attorney General. **That form shall include a statement authorizing the release of the dental or skeletal X-rays, or both, of the person reported missing and authorizing the release of a recent photograph of a person reported missing who is under 18 years of age. Included with the form shall be instructions which state that if the person reported missing is still missing 30 days after the report is made, the release form signed by a member of the family or next of kin of the missing person shall be taken by the family member or next of kin to the dentist, physician and surgeon, or medical facility in order to obtain the release of the dental or skeletal X-rays, or both, of that person, or may be taken by a peace officer, if others fail to take action, to secure those X-rays.** Notwithstanding any other provision of law, dental or skeletal X-rays, or both, shall be released by the dentist, physician, and surgeon, or medical facility to the person presenting the request and shall be submitted within 10 days by that person to the police or sheriff's department or other law enforcement agency having jurisdiction over the investigation. When the person reported missing has not been found within 30 days and no family or next of kin exists or can be located, the law enforcement agency may execute a written declaration, stating that an active investigation seeking the location of the missing person is being conducted, and that the dental or skeletal X-rays, or both, are necessary for the exclusive purpose of furthering the investigation. Notwithstanding any other provision of law, the written declaration, signed by a peace officer, is sufficient authority for the dentist, physician and surgeon, or medical facility to release the missing person's dental or skeletal X-rays, or both.
- (2) **The form provided under this subdivision shall also state that if the person reported missing is under 18 years of age, the completed form shall be taken to the dentist, physician and surgeon, or medical facility immediately. When the law enforcement agency determines that the disappearance involves evidence that the person is at risk or when the law enforcement agency determines that the person missing is under 16**

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years of age and has been missing at least 14 days. The form shall further provide that the dental or skeletal X-rays, or both, and a recent photograph of the missing child shall be submitted immediately to the law enforcement agency. Whenever authorized under this subdivision to execute a written declaration to obtain the release of dental or skeletal X-rays, or both, is provided, the investigating law enforcement agency may obtain those X-rays when a person reported missing is under 18 years of age and the law enforcement agency determines that the disappearance involves evidence that the person is at risk. In each case, the law enforcement agency may confer immediately with the coroner or medical examiners and may submit its report including the dental or skeletal X-rays, or both, within 24 hours thereafter to the Attorney General. The Attorney General's office shall code and enter the dental or skeletal X-rays, or both, into the center.

- (b) *When a person reported missing has not been found within 45 days, the sheriff, chief of police, or other law enforcement agency conducting the investigation for the missing person may confer with the coroner or medical examiner prior to the preparation of a missing person report.* The coroner or medical examiner shall cooperate with the law enforcement agency. After conferring with the coroner or medical examiner, the sheriff, chief of police, or other law enforcement agency initiating and conducting the investigation for the missing person may submit a missing person report and the dental or skeletal X-rays, or both, and photograph received pursuant to subdivision (a) to the Attorney General's office in a format acceptable to the Attorney General.
- (c) *Nothing in this section prohibits a parent or guardian of a child, reported to a law enforcement agency as missing, from voluntarily submitting fingerprints, and other documents, to the law enforcement agency accepting the report for inclusion in the report which is submitted to the Attorney General.*
- (d) The requirements imposed by this section on local police and sheriff's departments shall not be operative if the governing body of that local agency, by a majority vote of the members of that body, adopts a resolution expressly making those requirements inoperative.

14207 Responsibilities of agencies when a Missing Person is found

- (a) When a person reported missing has been found, the sheriff, chief of police, coroner, or medical examiner, or *the law enforcement agency locating the missing person shall immediately report that information to the Attorney General's office.*
- (b) When a child under 12 years of age or a missing person, where there was evidence that the person was at risk, is found, the report indicating that the person is found shall be made not later than 24 hours after the person is found. A report shall also be made to the law enforcement agency that made the initial missing person report. The Attorney General's office shall then notify the National Crime Information Center that the missing person has been found.
- (c) In the event that a missing person is found alive or dead in less than 24 hours and the local police or sheriff's department has reason to believe that the person had been abducted, the department shall submit a report to the center in a format established by the Attorney General. *In the event that a missing person has been found before he or she has been reported missing to the center, the information related to the incident shall be submitted to the center.*

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14208 *Statewide resource: 24 hour, toll-free hotline for information regarding Missing Children/ Dependent Adults and monthly production of posters*

- (a) *The Department of Justice shall operate a statewide, toll-free telephone hotline 24 hours per day, seven days per week to receive information regarding missing children and dependent adults and relay this information to the appropriate law enforcement authorities.*
- (b) The Department of Justice shall select up to six children per month from the missing children registry maintained pursuant to former Section 11114 or pursuant to the system maintained pursuant to Sections 14201 and 14202 and shall produce posters with photographs and information regarding these children, including the missing children hotline telephone number and reward information. The department shall make these posters available to parties as prescribed and as the department deems appropriate.

14209 *Local reporting agencies; provision of lists of missing persons; waiver forms and duty to obtain photographs; information in mailing to organizations with ongoing missing children program*

- (a) The Department of Justice shall provide appropriate local reporting agencies with a list of persons still listed as missing who are under 18 years of age, with an appropriate waiver form in order to assist the reporting agency in obtaining a photograph of each of the missing children.
- (b) *Local reporting agencies shall attempt to obtain the most recent photograph available for persons still listed as missing and forward those photographs to the Department of Justice.*
- (c) The department shall include these photographs, as they become available, in the quarterly bulletins pursuant to subdivision (c) of Section 14201.
- (d) State and local elected officials, agencies, departments, boards, and commissions may enclose in their mailings information regarding missing children or dependent adults obtainable from the Department of Justice or any organization that is recognized as a nonprofit, tax-exempt organization under state or federal law and that has an ongoing missing children program. Elected officials, agency secretaries, and directors of departments, boards, and commissions are urged to develop policies to enclose missing children or dependent adult's information in mailings when it will not increase postage costs, and is otherwise deemed appropriate.

14210 *Duty of law enforcement agencies to assist ANY PERSON to report missing person or runaway; Highway Patrol; coordination with local law enforcement agencies*

- (a) *The Legislature finds and declares that it is the duty of all law enforcement agencies to immediately assist any person who is attempting to make a report of a missing person or runaway.*
- (b) The Department of the California Highway Patrol shall continue to implement the written policy, required to be developed and adopted pursuant to former Section 11114.3, for the coordination of each of its divisions with the police and sheriffs' departments located within each division in taking, transmitting, and investigating reports of missing persons, including runaways.

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14213 *Definitions of “Missing Person” and “Evidence that Person is at Risk”*

- (a) *As used in this title, “missing person” includes, but is not limited to, a child who has been taken, detained, concealed, enticed away, or retained by a parent in violation of Chapter 4 (commencing with Section 277) of Title 9 of Part 1. It also includes any child who is missing voluntarily or involuntarily, or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.*
- (b) *As used in this title, “evidence that the person is at risk” includes, but is not limited to, evidence or indications of any of the following:*
 - (1) The person missing is the victim of a crime or foul play.
 - (2) The person missing is in need of medical attention.
 - (3) The person missing has no pattern of running away or disappearing.
 - (4) The person missing may be the victim of parental abduction.
 - (5) The person missing is mentally impaired.
- (c) *As used in this title, “child” is any person under the age of 18.*
- (d) *As used in this title, “center” means the Violent Crime Information Center.*
- (e) *As used in this title, “dependent adult” is any person described in [Penal Code Section 368 \(e\)](#).*
- (f) *As used in this title, “dental or medical records or X-rays,” include all those records or X-rays, which are in the possession of a dentist, physician and surgeon, or medical facility*

14250 *DNA data base for cases involving report of unidentified deceased person or high-risk Missing Person; data base and DNA storage requirements; collection of samples of DNA testing and handling of evidence; confidentiality of samples and profiles developed there from; destruction of samples; disclosure, and violations*

- (a)(1) *The Department of Justice shall develop a DNA database for all cases involving the report of an unidentified deceased person or a high-risk missing person.*
- (2) *The database required in paragraph (1) shall be comprised of DNA data from genetic markers that are appropriate for human identification, but have no capability to predict biological function other than gender. These markers shall be selected by the department and may change as the technology for DNA typing progresses. The results of DNA typing shall be compatible with and uploaded into the CODIS (Combined DNA Index System) database established by the Federal Bureau of Investigation. The sole purpose of this database shall be to identify missing persons and shall be kept separate from the database established under Chapter 6 (commencing with Section 295) of Title 9 of Part 1.*
- (3) *The Department of Justice shall compare DNA samples taken from the remains of unidentified, deceased persons with DNA samples taken from personal articles belonging to the missing person, or from the parents or appropriate relatives of high-risk missing persons.*

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- (4) For the purpose of this data base, “high-risk missing person” means a person missing as a result of a stranger abduction, a person missing under suspicious circumstances, a person missing under unknown circumstances, or where there is reason to assume that the person is in danger, or deceased, and that person has been missing more than 30 days, or less than 30 days in the discretion of the investigating agency.
- (b) The department shall develop standards and guidelines for the preservation and storage of DNA samples. Any agency that is required to collect samples from unidentified remains for DNA testing shall follow these standards and guidelines. These guidelines shall address all scientific methods used for the identification of remains, including DNA, anthropology, odontology, and fingerprints.
- (c)(1) A coroner shall collect samples for DNA testing from the remains of all unidentified persons and shall send those samples to the Department of Justice for DNA testing and inclusion in the DNA data bank. After the department has taken a sample from the remains for DNA analysis and analyzed it, the remaining evidence shall be returned to the appropriate local coroner.
 - (2) After a report has been made of a person missing under high-risk circumstances, the responsible investigating law enforcement agency shall inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal article belonging to the missing person if available. The samples shall be taken by the appropriate law enforcement agency in a manner prescribed by the Department of Justice. The responsible investigating law enforcement agency shall wait no longer than 30 days after a report has been made to inform the parents or other relatives of their right to give a sample.
 - (3) The Department of Justice shall develop a standard release form that authorizes a mother, father, or other relative to voluntarily provide the sample. The release shall explain that DNA is to be used only for the purpose of identifying the missing person and that the DNA sample and profile will be destroyed upon request. No incentive or coercion shall be used to compel a parent or relative to provide a sample.
 - (4) The Department of Justice shall develop a model kit that law enforcement shall use when taking samples from parents and relatives.
 - (5) Before submitting the sample to the department for analysis, law enforcement shall reverify the status of the missing person. After 30 days has elapsed from the date the report was filed, law enforcement shall send the sample to the department for DNA testing and inclusion in the DNA database, with a copy of the crime report, and any supplemental information.
 - (6) All retained samples and DNA extracted from a living person, and profiles developed, shall be used solely for the purpose of identification of the deceased’s remains. All samples and DNA extracted from a living person, and profiles developed, shall be destroyed after a positive identification with the deceased’s remains is made and a report is issued, unless any of the following has occurred:
 - (A) The coroner has made a report to a law enforcement agency pursuant to Section 27491.1 of the Government Code that he or she has a reasonable ground to suspect that the identified person’s death has been occasioned by another by criminal means.
 - (B) A law enforcement agency makes a determination that the identified person’s death has been occasioned by another by criminal means.
 - (C) The evidence is needed in an active criminal investigation to determine whether the identified person’s death has been occasioned by another by criminal means.
 - (D) A governmental entity is required to retain the material pursuant to Section 1417.9.

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- (7) Notwithstanding any other provisions of this section, upon the request of any living person who submits his or her DNA sample and profile pursuant to this section, including the parent or guardian of a child who submits a DNA sample of the child, the DNA sample shall be removed from the DNA database.
- (d) All DNA samples and profiles developed shall be confidential and shall only be disclosed to personnel of the Department of Justice, law enforcement officers, coroners, medical examiners, district attorneys, and persons who need access to a DNA sample for purposes of the prosecution or defense of a criminal case. An exception is that a law enforcement officer or agency may publicly disclose the fact of a DNA profile match after taking reasonable measures to first notify the family of an unidentified deceased person or the family of a high-risk missing person that there has been an identification.
- (e) All DNA, forensic identification profiles, and other identification information retained by the Department of Justice pursuant to this section are exempt from any law requiring disclosure of information to the public.
- (f)(1) Any person who knowingly discloses DNA or other forensic identification information developed pursuant to this section to an unauthorized individual or agency, or for any purpose other than for identification or for use in a criminal investigation, prosecution, or defense, is guilty of a misdemeanor.
- (2) A person who collects, processes, or stores DNA or DNA samples from a living person that are used for DNA testing pursuant to this section who does either of the following is liable in civil damages to the donor of the DNA in the amount of five thousand dollars (\$5,000) for each violation, plus attorney's fees and costs:
- (A) Fails to destroy samples or DNA extracted from a living person pursuant to paragraph (6) of subdivision (c).
- (B) Discloses DNA samples in violation of subdivision (d). (g) (1) If a disclosure or failure to destroy samples described in paragraph (2) of subdivision (f) is made by an employee of the Department of Justice, the department shall be liable for those actions of its employee. (2) Notwithstanding any other law, the remedy in this section shall be the sole and exclusive remedy against the department and its employees available to the donor of the DNA against the department and its employees. (3) The department employee disclosing DNA or other forensic identification information or otherwise violating this section shall be immune from civil liability under this or any other law. (h) It is not an unauthorized disclosure or violation of this section to release DNA and other forensic identification information as part of a judicial or administrative proceeding, to a jury or grand jury, or in a document filed with a court or administrative agency, or for this information to become part of the public transcript or record of proceedings. (i) In order to maintain computer system security, the computer software and data base structures used by the DNA laboratory of the Department of Justice to implement this chapter are confidential.

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2. California Welfare and Institutions Code

1300 *Interstate Compact on Juveniles*

In addition to any other authority conferred upon him, the Governor is authorized and may execute for, on behalf of, and in the name of the State of California, a compact or agreement entitled, "Interstate compact on Juveniles," which compact or agreement, in words and figures, is substantially as follows:

Interstate Compact on Juveniles

The contracting states do solemnly agree: Article 1 – Findings and Purposes that juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to:

- (1) Cooperative supervision of delinquent juveniles on probation or parole;
- (2) The return, from one state to another, of delinquent juveniles who have escaped or absconded
- (3) the return, from one state to another, of non-delinquent juveniles who have run away from home; and
- (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively

In carrying out the provisions of this compact, the party states shall be guided by the non-criminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. *It shall be the policy of the state party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact.*

The above section can assist investigators in gaining cooperation and assistance from other states in the return of runaway juveniles to their respective jurisdictions. Investigators should review this code section in its entirety (Chapter 4, sections 1300 – 1308) and consult with their local district attorney's office as to its application to their particular case.

3. California Educational Codes

38139 *Posting of information regarding Missing Children on school property*

- (a) Public primary schools and (b) public secondary schools, shall post, at an appropriate area restricted to adults, information regarding missing children provided by the Department of Justice, pursuant to Section 14208 of the Penal Code.

49068.5 *Review of student transfer records for possible missing child*

Upon the initial enrollment of a pupil in a public or private elementary school; or whenever an elementary school pupil:

- (a) Transfers from one school district to another,
- (b) Transfers to an elementary school within the same district,

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- (c) Transfers from one private elementary school to another,
- (d) Transfers from a private elementary school to a public elementary school, or
- (e) Transfers from a public elementary school to a private elementary school, the principal of the school that the child enters or to which he or she transfers is urged to check to see if the child resembles a child listed as missing by the bulletins provided by the Department of Justice pursuant to Penal Code [Section 14201](#).

49068.6 *Required notification by law enforcement to school of missing child*

- (a) *Any law enforcement agency responsible for the investigation of a missing child shall inform the school district, other local educational agency, or private school, in which the child is enrolled, that the child is missing. The notice shall be in writing, shall include a photograph of the child if a photograph is available, and shall be given within 10 days of the child's disappearance.*
- (b) Every school notified pursuant to this section shall place a notice that the child has been reported missing on the front of each missing child's school record. For public schools, this shall be in addition to the posting requirements set forth in Section 38139.
- (c) Local law enforcement agencies may establish a process for informing local schools about abducted children pursuant to this section.
- (d) If a school receives a record inquiry or request from any person or entity for a missing child about whom the school has been notified pursuant to this section, the school shall immediately notify the law enforcement authorities who informed the school of the missing child's status.

49076 *Release of student records in case of an emergency*

A school district is not authorized to permit access to pupil records to any person without written parental consent or under judicial order except that:

- (a) Access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:
 - (1)(b) School districts may release information from pupil records to the following:
 - (1) Appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons.

49076.5 *Release of school records for "proper police purpose"*

- (a) *Notwithstanding Section 49076, each school district shall release any information it has specific to a particular pupil's identity and location that relates to the transfer of that pupil's records to another school district within this state or any other state or to a private school in this state to a designated peace officer, upon his or her request, when a proper police purpose exists for the use of that information.*
- (b) In order to protect the privacy interests of the pupil, a request to a school district for pupil record information pursuant to this section shall meet the following requirements:

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- (1) For the purposes of this section, “proper police purpose” means that probable cause exists that the pupil has been kidnapped and that his or her abductor may have enrolled the pupil in a school and that the agency has begun an active investigation.
- (2) Only designated peace officers, federal criminal investigators, and federal law enforcement officers, as defined in Section 830.1 of the Penal Code, whose names have been submitted to the school district in writing by a law enforcement agency, may request and receive the information specified in subdivision (a). Each law enforcement agency shall ensure that each school district has at all times a current list of the names of designated peace officers authorized to request pupil record information.
- (3) This section does not authorize designated peace officers to obtain any pupil record information other than that authorized by this section.
- (4) The law enforcement agency requesting the information shall ensure that at no time shall any information obtained pursuant to this section be disclosed or used for any purpose other than to assist in the investigation of suspected criminal conduct of kidnapping. A violation of this paragraph shall be punishable as a misdemeanor.
- (5) The designated peace officer requesting information authorized for release by this section shall make a record on a form created and maintained by the law enforcement agency. It shall include the name of the pupil about whom the inquiry was made, the consent of a parent having legal custody of the pupil or a legal guardian. In addition, it will include the name of the officer making the inquiry, the date of the inquiry, the name of the school district, the school district employee to whom the request was made, and the information that was requested.
- (6) *Whenever the designated peace officer requesting information authorized for release by this section does so in person, by telephone, or by some means other than in writing, the officer shall provide the school district with a letter confirming the request for pupil record information prior to any release of information.*
- (7) *No school district, or official or employee thereof, shall be subject to criminal or civil liability for the release of pupil record information in good faith as authorized by this section*

49370 Requirement to report Missing Child in timely manner to law enforcement

The Legislature hereby declares its intent in enacting this article to require that specified persons, including school teachers, school administrators, school aides, school playground workers, and school bus drivers, report missing children to a law enforcement agency in a timely manner, in order to provide those children a necessary level of protection when they are at serious risk.

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4. Code Of Federal Regulations (CFR)

Title 42. The Public Health and Welfare
 Chapter 72. Juvenile Justice and Delinquency Prevention
 Subchapter IV. Missing Children

5779 Reporting requirement

- (a) *In general, each Federal, State, and local law enforcement agency shall report each case of a missing child under the age of 21 to the National Crime Information Center (NCIC) of the Department of Justice.*
- (b) Guidelines: the Attorney General may establish guidelines for the collection of such reports including procedures for carrying out the purposes of this section and section 5780 of this title.

5780 State requirements

Each State reporting under the provisions of this section and section 5779 of this title shall:

- (1) *Ensure that no law enforcement agency within the State establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person policy;*
- (2) Provide that each such report and all necessary and available information, which, with respect to each missing child report, shall include:
 - (A) The name, date of birth, sex, race, height, weight, and eye and hair color of the child;
 - (B) The date and location of the last known contact with the child; and
 - (C) The category under which the child is reported missing; is entered immediately into the State law enforcement system and the National Crime Information Center computer networks and made available to the Missing Children Information Clearinghouse within the State or other agency designated within the State to receive such reports
- (3) Provide that after receiving reports as provided in paragraph (2), the law enforcement agency that entered the report into the National Crime Information Center shall:
 - (A) No later than 60 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records;
 - (B) Institute or assist with appropriate search and investigative procedures;
 - (C) Maintain close liaison with the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases.

Background information on the above regulations: *The regulations came about from the drafting of legislation labeled "Suzanne's Law", named for Suzanne Lyall who was a 19-year-old sophomore at State University of New York in Albany, New York. She was reported missing on March 2, 1998 and subsequently murdered. This amended the original age requirement of 18-years. The driving issue of this legislation identified that it was "common practice of state and local*

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law enforcement agencies to impose a 24 hour waiting period before accepting missing person's reports for individuals over the age of 18. It is often assumed that college aged youth, as legal adults, disappear from their own free will. Although this assumption may have some anecdotal credibility, Suzanne Lyall's case proves it is not a responsible assumption."

The following sections can assist law enforcement/coroner personnel when dealing with issues pertaining to the Health Insurance Portability and Accountability Act (HIPPA):

Title 45. Public Welfare

Sub Title A – Department of Health and Human Services

SubChapter C–Administrative Data Standards and Related Requirements

Part 164 – Security and Privacy

Subpart E – Privacy of Individually Identifiable Health Information

164.512(f) Uses and Disclosures for which an Authorization or Opportunity to agree or object is not required.

- (f) **Standard: Disclosures for law enforcement purposes.** A covered entity may disclose protected health information for a law enforcement purpose to a law enforcement official if the conditions in paragraphs (f) (1) through (6) of this section are met, as applicable.
- (1) **Permitted disclosures: Pursuant to process and as otherwise required by law.** A covered entity may disclose protected health information:
- (i) As required by law including laws that require the reporting of certain types of wounds or other physical injuries, except for laws subject to paragraph (b)(1)(ii) or (c)(1)(i) of this section; or
 - (ii) In compliance with and as limited by the relevant requirements of:
 - (A) A court order or court-ordered warrant, or a subpoena or summons issued by a judicial officer;
 - (B) A grand jury subpoena; or
 - (C) An administrative request, including an administrative subpoena or summons, a civil or an authorized investigative demand, or similar process authorized under law, provided that:
 - (1) The information sought is relevant and material to a legitimate law enforcement inquiry;
 - (2) The request is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and
 - (3) De-identified information could not reasonably be used.

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- (2) **Permitted disclosures: Limited information for identification and location purposes.** Except for disclosures required by law as permitted by paragraph (f)(1) of this section, a covered entity may disclose protected health information in response to a law enforcement official's request for such information for the purpose of identifying or locating a suspect, fugitive, material witness, or missing person, provided that:
- (i) The covered entity may disclose only the following information:
 - (A) Name and address;
 - (B) Date and place of birth;
 - (C) Social Security number;
 - (D) ABO blood type and rh factor;
 - (E) Type of injury;
 - (F) Date and time of treatment;
 - (G) Date and time of death, if applicable; and
 - (H) A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos.
 - (ii) Except as permitted by paragraph (f)(2)(i) of this section, the covered entity may not disclose for the purposes of identification or location under paragraph (f)(2) of this section any protected health information related to the individual's DNA or DNA analysis, dental records, or typing, samples or analysis of body fluids or tissue.
- (3) **Permitted disclosure: Victims of a crime.** Except for disclosures required by law as permitted by paragraph (f) (1) of this section, a covered entity may disclose protected health information in response to a law enforcement official's request for such information about an individual who is or is suspected to be a victim of a crime, other than disclosures that are subject to paragraph (b) or (c) of this section, if:
- (i) The individual agrees to the disclosure; or
 - (ii) The covered entity is unable to obtain the individual's agreement because of incapacity or other emergency circumstance provided that:
 - (A) The law enforcement official represents that such information is needed to determine whether a violation of law by a person other than the victim has occurred, and such information is not intended to be used against the victim.
 - (B) The law enforcement official represents that immediate law enforcement activity that depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure; and
 - (C) The disclosure is in the best interests of the individual as determined by the covered entity, in the exercise of professional judgment.
- (4) **Permitted disclosure: Decedents.** A covered entity may disclose protected health information about an individual who has died to a law enforcement official for the purpose of alerting law enforcement of the death of the individual if the covered entity has a suspicion that such death may have resulted from criminal conduct.

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- (5) **Permitted disclosure: Crime on premises.** A covered entity may disclose to a law enforcement official protected health information that the covered entity believes in good faith constitutes evidence of criminal conduct that occurred on the premises of the covered entity.
- (6) **Permitted disclosure: Reporting crime in emergencies.**
- (i) A covered health care provider providing emergency health care in response to a medical emergency, other than such emergency on the premises of the covered health care provider, may disclose protected health information to a law enforcement official if such disclosure appears necessary to alert law enforcement to:
- (A) The commission and nature of a crime;
- (B) The location of such crime or of the victim(s) of such crime;
- (C) The identity, description, and location of the perpetrator of such crime.
- (ii) If a covered health care provider believes that the medical emergency described in paragraph (f) (6) (i) of this section is the result of abuse, neglect, or domestic violence of the individual in need of emergency health care, paragraph (f) (6) (i) of this section does not apply and any disclosure to a law enforcement official for law enforcement purposes is subject to paragraph (c) of this section.

164.512(g)(1) Standard: Uses and Disclosures about Decedents.

- (1) Coroners and medical examiners. ***A covered entity may disclose protected health information to a coroner or medical examiner for the purpose of identifying health information to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law.*** A covered entity that also performs the duties of a coroner or medical examiner may use protected health information for the purposes described in this paragraph.

B. Department of Justice Missing Person Reporting Criteria

There currently does not exist a **statewide** missing person's reporting form. Therefore, many law enforcement agencies have developed their own forms. If an agency wishes to develop a missing person's report form it is imperative that they use the current Department of Justice reporting criteria to assure accuracy when the missing person is entered into the Department of Justice's Missing Persons System (MPS). The following items must be incorporated into the reporting form:

- ▶ Reporting agency
- ▶ Originating Agency Identifier (ORI)
- ▶ Case number
- ▶ Date of report
- ▶ Reporting party
- ▶ Investigator's name
- ▶ Agency phone number
- ▶ Report type (runaway, suspicious circumstances, parental abduction, etc.)
- ▶ Category ("at risk", prior missing, sexual exploitation suspected, etc.)
- ▶ Location last seen

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- ▶ File Control Number (FCN)
- ▶ National Crime Information Center ([NCIC](#)) number
- ▶ Missing person's name
- ▶ Alias names
- ▶ Sex, race, height, weight, hair color/length, eye color
- ▶ Date of birth or age
- ▶ Date of last contact
- ▶ Dental chart/X-rays
- ▶ Dentist's name/phone number
- ▶ Visible dental work (braces, etc.)
- ▶ Photograph/age in photograph
- ▶ Photograph/X-ray waiver of release – signed
- ▶ Medical conditions
- ▶ Scars/marks/tattoos/description
- ▶ Clothing description
- ▶ Jewelry description
- ▶ Glasses/contacts
- ▶ Known associates
- ▶ Social Security number
- ▶ Driver's license number
- ▶ Vehicle information (owner, make, model, color, style, year, VIN, license plate number)
- ▶ Miscellaneous information/narrative
- ▶ Suspect information

C. AMBER Alert Procedures

Background Information: the America's Missing: Broadcast Emergency Response (AMBER) Alert is a tool used by law enforcement to help find children under the most serious, life threatening conditions. The program is designed to facilitate the safe return of an abducted child by establishing an effective partnership between the community, the media, and law enforcement. An AMBER Alert is the recruitment of public assistance to locate an abducted child via a wide-spread media alert. Utilizing the assistance of California radio, television, and press affiliates, the public will be notified of the circumstances of a child's abduction and how they can assist law enforcement in the child's recovery.

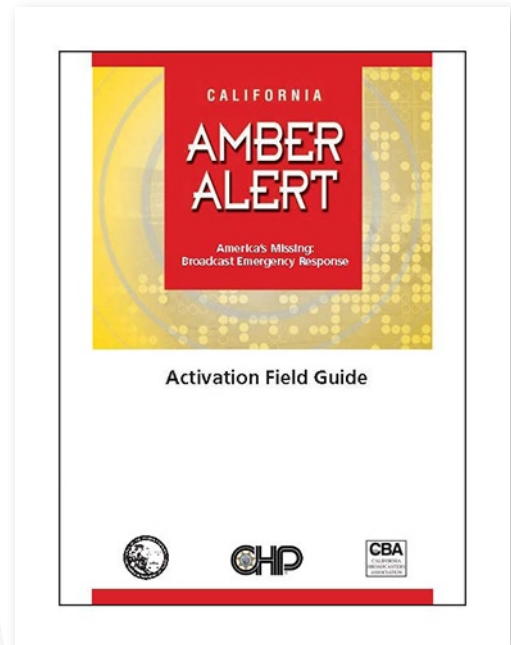
The AMBER Alert was first introduced as a pilot program in California on a regional basis. This program, named the Child Abduction Regional Emergency (CARE) alert, was implemented in 1999 in Orange County and in 2001 in the Sacramento area, encompassing several counties. In 2002, Assembly Bill 415 ([Government Code Section 8594](#)) mandated that AMBER Alert plans be implemented statewide and include specific notification protocols for all communities. The AMBER Alert is also a key component of the California Child Safety AMBER Network (CHAN), a comprehensive child abduction response program administered by the California Highway Patrol (CHP).

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The AMBER Alert is now a nationally recognized program. It is a rapid notification to the public utilizing all available technology during the most critical period after a child has been abducted. An AMBER alert may be expanded beyond the original abduction region to a state or national level.

- I. The AMBER Alert - child abduction criteria
 - A. An abduction is defined as a child under the age of 18 which has been unwillingly removed from their environment without permission from the child's legal guardian or a designated legal representative.
 - B. The AMBER Alert plan should only be implemented in cases of:
 1. The investigating law enforcement agency confirms an abduction has occurred.
 2. The victim is 17 years of age or younger, or has a proven mental or physical disability.
 3. The victim is in imminent danger of serious injury or death.
 4. There is information available that, if provided to the public, could assist in the child's safe recovery.

If the incident does not meet the criteria for an AMBER Alert, individual investigative, operational tools, and resources may still be utilized. Avoid using the phrase "AMBER Alert" in such cases.
- II. Activation procedures
 - A. When activating an AMBER Alert, the reporting agency shall refer to their specific abduction procedures, generally referred to as Child Abduction Regional Emergency (CARE), and utilize the California Highway Patrol's Emergency Notification Tactical Alert Center (ENTAC) for additional assistance
 - B. In the event of a confirmed child abduction the following procedures should be followed:
 1. Radio transmission of a Be On The LookOut (BOLO) broadcast - the officer will immediately initiate an appropriate area wide and regional wide broadcast when applicable. Refer to local procedures.
 2. The missing child shall be immediately entered into National Crime Information Center (NCIC) system as an abducted child. The child's name and other critical elements, including the AMBER Alert flag, will be included in the NCIC entry.



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3. Marking the AMBER Alert box in NCIC will initiate a series of notifications on a national level (National Center for Missing and Exploited Children Center, Secondary Notification System via cell phones and handheld devices, etc.)
4. The reporting agency will transmit an AMBER Alert message via the California Law Enforcement Telecommunications System (CLETS). This message will be automatically forwarded to the designated media agencies via the Office of Emergency Services (OES) Emergency Digital Information System (EDIS) for immediate public release.
5. The agency will forward the AMBER Alert information to their Local Primary (LP-1) EAS provider radio station.

If you are unable to activate an EAS alert, contact the CHP's Emergency Notification and Tactical Alert (ENTAC) Center for assistance at (916) 657-8287. The CHP ENTAC center can also expand the EAS alert to neighboring or statewide counties.

6. The California Highway Patrol ENTAC Center is the primary agency that oversees the activations of freeway Changeable Message Signs (CMS), statewide EAS alerts, and EDIS alerts. Contact the CHP ENTAC center immediately for activation of these services.

If the passage of time necessitates an expansion of the regional alert, the CHP ENTAC can initiate larger scale EAS and EDIS alerts upon request, as well as expand the use of the Changeable Message Signs throughout California and to neighboring states.

7. The handling law enforcement agency will prepare an initial press release that includes all available information. The press release should be immediately forwarded to their media services. The press release will include:
 - ▶ The child's identity, age, and description
 - ▶ Suspect's identity, age, and description
 - ▶ Vehicle description
 - ▶ Location of incident, direction of travel, potential destinations
 - ▶ A media liaison or press information officer, and a telephone number for the media to call for additional information and/or updates
 - ▶ A telephone number for the public to call with leads/information. Refer to mutual aid information contained herein
 - ▶ A photo or digital image of the missing person
8. The reporting agency should consider transmitting the information over their local and regional radio communications systems, i.e., transit systems, local area hospitals, public works, fire/EMS, animal control, lifeguards, ham radio associations, etc.
9. Child abduction poster and flyers
 - ▶ Handling agencies may create AMBER Alert posters/flyers at the [Emergency Digital Information Services \(EDIS\)](#). The poster will contain pertinent information and the ability to post images of the victim, suspect(s) and vehicle.

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- ▶ Agencies should have the ability to disseminate abduction information via the image-based [Critical Reach System](#) (formally TRAK). The CHP ENTAC can assist with the dissemination of Critical Reach flyers if pictures are available. CHP ENTAC can send the information to all law enforcement, media outlets, schools, hospitals, the National Trucker’s Association, the California State Lottery, and other organizations. The information is sent to these agencies utilizing e-mail and fax programs built into the Critical Reach System.
- III. International border issues
- Notifications to the FBI should be made if there are indicators that the child may be transported out of state or the country. If the child has been transported across the Mexican border, San Diego Sheriff’s Department or the San Diego Police Department’s Mexico Liaison Units (or [CHP Border Division Mexico Liaison Unit](#)) should be contacted. If the child is being transported across the Canadian border, the [Royal Canadian Mounted Police National AMBER Alert Center](#) can be contacted.
- IV. Cancellation of an AMBER Alert
- The reporting agency will update the above referenced resources and media locations as additional information is received, and upon locating the abducted or missing child, an immediate cancellation of the Alert shall be made.

**For any further reference on the California AMBER Alert program, contact:
California Highway Patrol
Emergency Notification and Tactical Alert Center (ENTAC) 916 657-8287**

D. Office of Emergency Services (OES) resources

Law enforcement agencies can activate the California Law Enforcement Mutual Aid System and its annex, the Search and Rescue System, to access resources and equipment necessary to conduct missing persons investigations. Activation of this system, through its steps as outlined in the [Law Enforcement Mutual Aid Plan](#), enables agencies to receive support from their operational area (county), surrounding operational areas within their mutual aid region, other regions, as well as State and Federal resources.

To activate the system within a city, the jurisdictional city law enforcement agency contacts their county Sheriff’s Department, who acts as the Operational Area Law Enforcement Mutual Aid Coordinator. **The Operational Area Law Enforcement Mutual Aid Coordinator may then provide the assistance, if available from within the operational area, or activate the regional or statewide system by contacting the California Governor’s Office of Emergency Services, California State Warning Center, 24 hour service, at 916 845-8911, and requesting the Law Enforcement Branch Duty Officer, or by contacting the Law Enforcement Branch at 916 845-8700.**

Resources available under this system include:

- ▶ Consultant search management teams to assist agencies in conducting missing person searches
- ▶ Consultant search management specialists with expertise in missing person searches – wilderness or urban search
- ▶ Consultant search management specialists with expertise in predator abduction incidents
- ▶ Search and Rescue (SAR) teams and personnel

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- ▶ Search dogs: “non-scent specific” dogs for area searches to locate any persons in an area, “scent specific” dogs for trailing/tracking only the missing subject’s scent, as well as cadaver and water (submerged victim) search dogs
- ▶ Search or communications platform aircraft through the California National Guard, Civil Air Patrol, other state agencies or local government
- ▶ Communications frequencies – statewide mutual aid
- ▶ Communications equipment – mobile communications trucks and hand held radios (VHF and UHF)
- ▶ Communications repeaters, portable and vehicle based along with interoperability
- ▶ Satellite communications trailers – voice and data connectivity
- ▶ OES’s Child Abduction Checklist for First Responders
Refer to their [web site](#) for further resources

E. Federal Bureau of Investigation (FBI) resources

Overview of jurisdictional and investigative responsibilities

I. FBI investigative classifications

Kidnapping: The FBI has four different classifications that concern kidnapping. These classifications are used to differentiate the nature of the kidnapping investigation:

A. Kidnapping for ransom or financial gain

The FBI, historically and today, responds to ransom or financial gain kidnappings. A kidnapping will usually involve the FBI either as the lead agency or as an assisting agency. There is no need, benefit, or legal obligation to wait in notifying or requesting assistance from the FBI. Ideally, notification and/or request for assistance should be made as soon as possible. Any requests for assistance which can be predicted, or arise, should be acted upon as soon as possible. The less catch-up there is, the better the efficiency and effect of the assistance. This applies to all assisting agencies.

B. Removal (abduction) of child out of the United States by parent

In 1993, Congress passed the International Parental Kidnapping ACT (IPKA), which can be found in United States Code, Title 18, Section 1204. In general, this legislation makes it a Federal violation for the offending parent to remove the victim child from the United States, in violation of court ordered custody. This statute works in addition to The Hague Convention Treaty, which holds the signatory countries to an obligatory legal process, aimed at assuring the victim child’s welfare, and setting out remedies for the custody issues.

C. Abduction/kidnapping for undetermined motive

All other kidnapping matters, which would include child abductions or kidnappings committed for undetermined motive, are considered as a classification. It is under this third category that the FBI has become involved in non-traditional kidnappings. The FBI, while under the directorship of Louis Freeh, expended much time and effort to train agents, and develop entities within the FBI, to address the sexual motive of kidnappings.

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D. Subjects who flee to avoid prosecution

Subjects who flee from prosecution utilizing interstate commerce may have Federal complaints, and arrest warrants, issued for them under United States Code, Title 18, Section 1073. These cases are known as Unlawful Flight to Avoid Prosecution (UFAP) matters. If a subject, who has a locally issued arrest warrant, flees across state lines, including leaving the country, the agency with jurisdiction can request assistance from the FBI (the requesting agency should indicate a promise to pay for the subject's extradition and the intent to prosecute). In these instances, the FBI will author a complaint for violation of Federal law and obtain a federally authorized arrest warrant. Upon the capture and extradition of the subject by the requesting agency, the Federal Court will usually dismiss the UFAP prosecution. This can be used for parental kidnappings when the court issues an arrest warrant for the offending parent. In cases where the subject has fled interstate, the FBI can be requested to assist in the search for the offending parent, under the Federal violation of UFAP. It should be kept in mind that the requirements for the UFAP request, and Federal jurisdiction over international parental kidnappings, are basically the same, with the exception that the international search will require assistance from both the United States Department of Justice, and the United States Department of State.

II. FBI Resources

The first and most important thing when considering a request for the assistance of the FBI is that it is FREE. Possible exceptions can include, but do not necessarily include, the costs of utilities exigent services (i.e., cell phone access, telephone access), or any expenses incurred outside the assistance of the FBI.

The FBI has developed a very comprehensive resource packet titled the "Child Abduction Response Plan – An Investigative Guide" (call the Crimes Against Children Coordinator at 916 481-9110) which is available to all agencies free of charge.

The FBI Laboratory Division is remarkable, and its services are free. Contact the Evidence Response Team Leader of your local FBI field division for the FBI's Laboratory assistance.

The investigative technical abilities of the FBI can be an invaluable resource. Availability of these services is through the agent responsible for the case. Some of the technical abilities available through the FBI include:

- ▶ Pen register trap and trace
- ▶ Title III wiretaps
- ▶ Cellular telephone tracking
- ▶ Pole cameras
- ▶ Evidence Response Team and Computer Analysis Response Team
- ▶ Behavioral Analysis Unit
- ▶ VICAP (Violent Criminal Apprehension Program)
- ▶ NCIC off line searches

The FBI has representatives all over the world who have working relationships with most law enforcement agencies.

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The local FBI office has agents that are anxious to help with cases involving the welfare of a child. Investigative assistance, along with major case management, is available.

The FBI has agents in, or within exigent reach of any place in the United States. Leads that are issued by your local FBI office to other FBI offices are the most expeditious way to cover leads out of state.

The FBI maintains information on cases and subjects nationally. Beside the access to NCIC and NLETS, the FBI may have additional information from other sources. With the high degree of immigration, and the greater amount of information being acquired and maintained, the FBI itself can serve as another resource of information.

III. Recommendations for developing a working relationship with the FBI

The field offices of the FBI are determined by the United States Judicial Districts. Each FBI field office is administered by a Special Agent in Charge (SAC), with at least two Assistant Special Agents in Charge (ASAC). Larger offices such as New York, Los Angeles, and Washington DC Field Offices have Assistant Directors managing the office, followed by the chain of SAC's, ASAC's, and Special Agent Supervisors (SSA).

The head of each FBI field division is autonomous, but must follow directives of the FBI Director. The field divisions in California are San Diego, Los Angeles, San Francisco, and Sacramento. Each field division has smaller offices or Resident Agencies (RA) that cover remote areas within the field division.

Each field division can put different priorities on federal violations, but not outside the priorities as directed by FBI Headquarters. This means that if you need assistance, you may call one office and get a lackluster response, or call another office and get an aggressive response; the response is usually based on that particular office's current case load and available resources. If you get an unacceptable response, the SAC will be sensitive to calls from the heads of local law enforcement. In other words, if your Chief or Sheriff calls the SAC, the response by the FBI may be more comprehensive.

It is recommended that law enforcement investigators or representatives develop strong working relationships with their local FBI agents. When it comes time for you to call upon the resources of the FBI, it is best that you are able to start on a first name basis with someone you have previously worked with to get the "ball rolling" on your request for assistance. If you call, and you are unable to get what you want, do not give up; keep calling, and if necessary, call other field divisions.

In the event of a kidnapping, and the assistance of the FBI has been acquired, consider paring up agents with your agency's detectives or officers. Local police have the pressure to clear their cases, to work quickly. FBI agents do not close cases until their logical completion. These two approaches make a great investigative balance.

Federal Bureau of Investigation (FBI) contact information:

Headquarters' Office	Washington, DC	202 324-3000
California Divisional Offices	San Francisco	415 553-2000
	Sacramento	916 481-9110
	Los Angeles	310 477-6565
	San Diego	858 565-1255

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F. Department of Justice (DOJ) Resources

The Missing and Unidentified Persons Unit (MUPS) assists Law Enforcement Agencies (LEA) in locating missing persons and identifying unknown living and deceased persons. MUPS maintains the Missing Persons System (MPS) and the Unidentified Persons System (UPS) available through CLETS.

MUPS is responsible for the following three components:

Physical identification:

- ▶ Compare physical characteristics of a missing person to those of an unidentified person
- ▶ Inquiries into a variety of governmental and private data bases for information that may result in the location of a missing person
- ▶ Notifies the Missing Persons DNA Program of cases approved to proceed with DNA analysis
- ▶ Assists LEA with questions regarding transactions and updates to MPS and UPS

Dental identification:

- ▶ Charting and classifying dental charts and X-rays submitted by law enforcement agencies on missing persons
- ▶ Compare dental records of missing persons to X-rays submitted from coroners on unidentified persons

Missing Children Clearinghouse:

- ▶ Maintains an international, 24 hour toll free telephone hotline (800 222-FIND) to receive and relay information to law enforcement agencies regarding missing children
- ▶ Publishes and distributes a monthly missing children poster and [Quarterly Bulletin](#) featuring missing children and dependent adults throughout California
- ▶ Provides free-of-charge fingerprint cards to agencies for voluntary fingerprinting children
- ▶ Maintains the [Attorney General's Missing Person website](#) with photographs of missing persons
- ▶ Nationwide networking of all clearinghouses to aid in locating children taken out of or brought into California

To request any of the above services, contact the MUPS unit at: 916 227-3290 or missing.persons@doj.ca.gov

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G. Missing Persons DNA Program

The Missing Persons DNA Program uses DNA analysis and data matching to determine the identity of missing persons. The Missing Persons DNA Program stores DNA profiles in two different files. One file is made up of either DNA profiles from relatives of reported missing persons or a DNA profile established from a sample from the missing person (reference file). The second file is made up of DNA profiles developed from samples from unidentified persons. Identification will be made if the DNA profile of the sample from the unidentified person “matches” a DNA profile in the reference file.

For the reference file, oral swabs will provide sufficient DNA to develop a profile. For samples from the missing person, baby teeth and hairs may be appropriate for DNA profiling. Blood, tissue, and bone samples from unidentified persons may be submitted for DNA testing.

Prior to contacting the DOJ Missing Persons DNA Program to request a DNA Specimen Collection Kit, a copy of the missing person report and dental records and/or X-rays (if available) must be submitted to the DOJ Missing and Unidentified Persons Unit (MUPS). A physical and dental search must be completed by MUPS before the case can be cleared for DNA analysis. The MUPS Unit may be reached at 916 227-3290.

Note: All cases must be approved first by the MUPS unit before DNA analysis will be performed.

To request a DNA collection kit or any other related services, contact:
Missing Persons DNA Program 916 227-5997.

H. Department of Justice (DOJ) Related Reporting Forms/Charts

1. Authorization to Release Dental/Skeletal X-Rays and Photographs of Missing Juvenile

AUTHORIZATION TO RELEASE DENTAL/SKELETAL X-RAY/PHOTOGRAPH OF MISSING JUVENILE			
NAME OF MISSING JUVENILE			
REPORTING AGENCY AND CASE NUMBER		REPORTING PARTY	
<p><small>Under California Penal Code Section 14206, the family or next-of-kin of any person under the age of 18 years who is reported missing and has not been located within 30 days may authorize the release of the dental or skeletal X-rays, or both, and a recent photograph of the missing juvenile. <i>Dental X-rays are preferred. Skeletal X-rays should be sent only if dental X-rays are not available.</i> This release form shall be taken to the dentist, physician and surgeon, or medical facility of the missing person to obtain the release of the dental or skeletal X-rays. The dental or skeletal X-rays, or both, shall be released to the person presenting this request. The person to whom the records are released shall, within 10 days, bring those records to the police or sheriff's department or other law enforcement agency having jurisdiction over the investigation.</small></p> <p><small>If the law enforcement authority determines the disappearance involves evidence the person is at risk regardless of age, or if the missing juvenile is under 10 years of age and has been missing at least 14 days, this release form shall be taken to the dentist, physician and surgeon, or medical facility immediately, and the dental or skeletal X-rays, or both, and a recent photograph of the missing child shall be submitted immediately to the law enforcement agency.</small></p> <p><small>If your missing juvenile is found, please notify the law enforcement agency immediately.</small></p>			
AUTHORIZATION			
<p><small>I am a family member or next-of-kin of the above-named missing juvenile and I hereby authorize the release of all dental or skeletal X-rays to assist law enforcement agencies in locating the above-named missing juvenile. I also consent to the release of the above-named missing juvenile's photograph, physical description, and circumstances surrounding the disappearance. This information may be used by the Department of Justice for inclusion in missing children bulletins and posters which will be distributed throughout California to law enforcement agencies, elementary and secondary schools, state buildings, appropriate roadside rest areas, and other parties determined appropriate by the Department of Justice to assist in locating the missing juvenile, including the Attorney General's Web Site at www.oag.state.ca.us.</small></p>			
NAME OF DENTIST			
ADDRESS			
CITY	STATE	ZIP	TELEPHONE NUMBER ()
NAME OF PHYSICIAN, SURGEON OR MEDICAL FACILITY			
ADDRESS			
CITY	STATE	ZIP	TELEPHONE NUMBER ()
SIGNATURE OF FAMILY MEMBER			
RELATIONSHIP TO MISSING JUVENILE			DATE
ADDRESS			
CITY	STATE	ZIP	TELEPHONE NUMBER ()
<small>BCIA 4048 (Rev. 3/00)</small>			

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4. Declaration of Authority For Seizure of Dental and Medical Records

Use this generic form to obtain dental /medical records. Select “Get File”, then place your agency letterhead on the document.

Your Agency ID Here

Declaration of Authority for Seizure of Dental / Medical Records

Missing Person's Name _____

Agency Case Number _____

I hereby declare that the above mentioned person has been reported missing and that no family or next of kin exist or can be located.

There is presently an active investigation being conducted seeking the location of a missing person, and Dental / Medical X-rays, related charts and records are necessary for the exclusive purpose of furthering the investigation.

These records are hereby requested to be produced by:

Physician's name _____

Address _____

City _____ Phone _____

This form, signed by a peace officer, is sufficient authority for the dental / medical doctor to release the missing person's records pursuant to the express provisions of Section 14206 of the California Penal Code.

Name of Officer _____ Title/Rank _____

Division _____ Phone _____

Signature of Duly Sworn Peace Officer _____ Date _____

I. DNA Sample Collection

Samples should be collected from both biological parents. If both parents are not available, use the reference chart below to determine the order for collecting samples from other biological family members. If no family members referenced on the chart below are available, contact the Missing Persons DNA Program at 916 227-5997 for additional donor information.

DNA Sample Collection Reference Chart

Priority	Female Missing Person (FMP)	Male Missing Person (MMP)
First	Both biological parents	Both biological parents
Second	One parent and MP's siblings	One parent and MP's siblings
Third	Children and spouse	Children, spouse, and MP's siblings
Fourth	Children	Children, spouse, and any relative on the MP's mother's side
Fifth	One parent or MP's siblings	One parent and/or children and/or MP's siblings
Sixth	Any relative on MP's mother's side	Any relative on MP's mother's side
Seventh	---	Any relative on MP's father's side

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J. School Notification of Missing Child - 2 Page LAPD Form

**Los Angeles Police Department
EMERGENCY SCHOOL NOTIFICATION
MISSING OR ABDUCTED CHILD ALERT**

Date of notification _____

This is a notice to the school administration of (School Name) _____

Name of missing / abducted child: _____

Sex _____ Race _____ Date of Birth _____

If this student is located, or if anyone calls asking for information, or requests the transfer of school records, immediate law enforcement notification is required.

Do not release any information or records until told to do so by law enforcement. Do not tell the requesting party of this notification, law enforcement will instruct you what to do. Immediately contact:

Los Angeles Police Department Contact Information

The employee assigned the case is _____ Serial No. _____

The phone number to contact the investigator is: _____

The report number on this case is _____ Date of missing / abduction _____

- If the employee is not available, ask for any Detective Supervisor.
- In you are unable to make personal contact with the assigned employee in this matter, immediately contact the Detective Watch Commander or the Patrol Watch Commander and reference this notification sheet. The phone numbers are:
 - Detective Watch Commander _____
 - Patrol Watch Commander _____
- If the child is found during off-hours, or no one answers the phone number listed above, call 911 and provide the information above.

Photograph

Attached to this form may or may not be a photograph of the missing child. Additionally, take into consideration the child's age when the photograph was taken. Many times the actual school yearbook photograph may be more current.

Photograph not provided by reporting party.

See back page for additional information / instructions
Page 1 of 2

LAPD Temporary Form SNF090804, created September 8, 2004, Juvenile Division Consultants Office

Pursuant to California Educational Code 49068.6 (a), which was added January 2001, the code requires all law enforcement agencies to notify the child's school of attendance, in writing, when a child is reported missing / abducted. The code requires the school to place the notification letter in the front of the student's school / attendance record.

This notification form has two purposes:

1. In many cases, young children in elementary school fall victim to parental abduction, or other related serious victimization / kidnapping. When this occurs, many times the abductor will have to request the previous school records in order to enroll the child into a new school. By having this form in the front of the child school / attendance record, the school would be made aware of the situation and cause law enforcement authorities to be notified immediately, potentially aiding in the recovery of the child.
2. The second purpose of this form involves cases where a child runs away and returns to school, not notifying his or her parent.

EDUCATION CODE SECTION 49062-49069.5

49068.5. EC Upon the initial enrollment of a pupil in a public or private elementary school; or whenever an elementary school pupil (a) transfers from one school district to another, (b) transfers to an elementary school within the same district, (c) transfers from one private elementary school to another, (d) transfers from a private elementary school to a public elementary school, or (e) transfers from a public elementary school to a private elementary school, the principal of the school that the child enters or to which he or she transfers **is urged to check to see if the child resembles a child listed as missing by the bulletins provided by the Department of Justice pursuant to Section 14201 of the Penal Code.**

49068.6(a) EC Any law enforcement agency responsible for the investigation of a missing child shall inform the school district, other local educational agency, or private school, in which the child is enrolled, that the child is missing. The notice shall be in writing, shall include a photograph of the child if a photograph is available, and shall be given within 10 days of the child's disappearance.

49068.6(b) EC Every school notified pursuant to this section shall place a notice that the child has been reported missing on the front of each missing child's school record. For public schools this shall be in addition to the posting requirements set forth in Section 38139.

49068.6(c) EC Local law enforcement agencies may establish a process for informing local schools about abducted children pursuant to this section.

49068.6(d) EC If a school receives a record inquiry or request from any person or entity for a missing child about whom the school has been notified pursuant to this section, the school shall immediately notify the law enforcement authorities who informed the school of the missing child's status.

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LAPD Temporary Form SNF090804, created September 8, 2004, Juvenile Division Consultants Office

K. California Child Abduction Task Force & Governor's Office of Emergency Service Forms

1. Child Abduction First Responding Officer Checklist

CHILD ABDUCTION FIRST RESPONDING OFFICER CHECKLIST	IF APPROPRIATE, NOTIFY THE:
RESPOND	<input type="checkbox"/> District Attorney's Family Child Abduction Unit
RESPOND to ANY disappearance of a child as an Abduction Case until further information is developed. CHILD ABDUCTION BY A FAMILY MEMBER must be treated as an urgent missing child investigation. ALWAYS consider the child endangered until proven otherwise.	<input type="checkbox"/> Local office of the FBI
WITHOUT DELAY BROADCAST SUPPLEMENTAL INFORMATION TO: All police communication channels, other patrol officers, other law enforcement agencies, and consider AMBER ALERT.	<input type="checkbox"/> Media
GATHER DATA RELEVANT TO THE INITIAL RESPONSE: Interview reporting party & witnesses	<input type="checkbox"/> Amber Alert
<input type="checkbox"/> Ensure child is missing	<input type="checkbox"/> National Center for Missing & Exploited Children
<input type="checkbox"/> Description of child	<input type="checkbox"/> Missing children nonprofit organizations
<input type="checkbox"/> Circumstances of disappearance	
<input type="checkbox"/> Description of alleged perpetrator (if known)	CONTACTS AND RESOURCES
<input type="checkbox"/> Description of vehicle	DOJ Missing & Unidentified
<input type="checkbox"/> Initial determination of abduction type	Persons Unit..... (916) 227-3290
<input type="checkbox"/> Risk assessment (see risk assessment checklist)	DOJ Missing Children Hotline..... (800) 222-FIND (3463)
YOU MUST IMMEDIATELY	California Highway Patrol or nearest CHP Communications (800) TELL-CHP Center..... (835-5247)
<input type="checkbox"/> Establish and secure the crime scene	FBI
<input type="checkbox"/> Additional personal and supervision	Los Angeles..... (310) 996-5000
NOTIFY	Sacramento..... (916) 481-9110
<input type="checkbox"/> Additional personal and supervision	San Diego..... (619) 565-1255
<input type="checkbox"/> Highway Patrol	San Francisco..... (415) 553-7400
ENTER INFORMATION INTO	National Center for Missing & Exploited Children..... (800) 843-5678
The Department of Justice Missing Person System (MUPS/NICIC)	Missing Children Organizations: _____
GATHER ADDITIONAL INVESTIGATIVE DATA	_____
<input type="checkbox"/> Photograph & other identifying data	_____
<input type="checkbox"/> Re: child (and abductor/suspect, if known)	_____
<input type="checkbox"/> Detailed family history	_____
<input type="checkbox"/> Locations of other family members	_____
<input type="checkbox"/> School, health and other info re: child	_____
<input type="checkbox"/> Possible destinations	_____
PRIOR TO LEAVING THE SCENE ADVISE FAMILY	Sponsored by
<input type="checkbox"/> How to access victim witness services	The California Child Abduction Task Force and The Governor's Office of Emergency Services Children's Section (916) 323-7449
<input type="checkbox"/> Can offer DNA if child is missing 30 days	<small>This checklist is a suggested guide, but is not all-inclusive. Local jurisdictions may have protocols with varying requirements.</small>

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2. Child Abduction and Risk of Danger to Child Assessment Checklist

CHILD ABDUCTION & RISK OF DANGER TO CHILD ASSESSMENT CHECKLIST	MOTHER ABDUCTOR-SUSPECT INFORMATION (Additional factors common to female caretaker abductors)	
ALWAYS consider the child endangered until proven otherwise.		
ABDUCTOR-SUSPECT INFORMATION		
Prior threats to abduct child <input type="checkbox"/>	Allegations of child abuse by male custodian/father <input type="checkbox"/>	
Prior abductions and/or prior concealments <input type="checkbox"/>	Allegations are supported by mother's family <input type="checkbox"/>	
Has strong family ties in other states or countries <input type="checkbox"/>	Child under age six <input type="checkbox"/>	
Unwed parents <input type="checkbox"/>	Recent court hearing/decision regarding custody <input type="checkbox"/>	
Criminal history <input type="checkbox"/>	CHILDREN INFORMATION	
Has a weapon/has access to a weapon <input type="checkbox"/>	Is within an at-risk age group <input type="checkbox"/>	
His/its threatening suicide <input type="checkbox"/>	Is preschool age or younger <input type="checkbox"/>	
Child taken without any personal items <input type="checkbox"/>	Knows own address and telephone number <input type="checkbox"/>	
Recently been fired from employment <input type="checkbox"/>	Knows how to dial 911 <input type="checkbox"/>	
Recently quit employment <input type="checkbox"/>	No or limited English-speaking ability <input type="checkbox"/>	
Made verbal threats to harm custodian/child <input type="checkbox"/>	Acute Serious Health Concern <input type="checkbox"/>	
Major deviation from normal behavior pattern <input type="checkbox"/>	Chronic Serious Health Concern <input type="checkbox"/>	
Prior incidence of violence <input type="checkbox"/>	Requires Medication <input type="checkbox"/>	
History of Domestic Violence/Child Abuse <input type="checkbox"/>	Developmentally Delayed <input type="checkbox"/>	
Chronic alcoholism/ drug use <input type="checkbox"/>	Physical Disability <input type="checkbox"/>	
Currently Under the Influence <input type="checkbox"/>	Child is Drug Dependent <input type="checkbox"/>	
Mental illness <input type="checkbox"/>	Potential violence or sexual abuse of victim <input type="checkbox"/>	
Registered sex offender <input type="checkbox"/>	CULTURAL CONSIDERATIONS	
History of Stalking <input type="checkbox"/>	Potential "honor Killing" <input type="checkbox"/>	
History of violent criminal acts <input type="checkbox"/>	Potential unwilling victim of "Marriage Abduction" <input type="checkbox"/>	
Custody battle/recent divorce or separation <input type="checkbox"/>	Child seen as rightful property of abducting party <input type="checkbox"/>	
Potential of International Abduction <input type="checkbox"/>	Potential maiming such as, female circumcision <input type="checkbox"/>	
Has a passport & support system outside US. <input type="checkbox"/>	Mixed culture marriage relationship <input type="checkbox"/>	
Child has current passport <input type="checkbox"/>	Parents are members of a religious cult, militia, or other extremist group <input type="checkbox"/>	
Signs of pre-abduction plans to leave the US. <input type="checkbox"/>		
Cumulative recent "stressors" and/or loss of "Control" over personal life or other individuals <input type="checkbox"/>		

This checklist is intended as a guide and may not be all inclusive. Local jurisdictions may have varying requirements.
Sponsored by The National Child Abduction Task Force and The Governor's Office of Emergency Services
Children's Section (916) 224-9100
40004

I. Additional Resources: Agencies and Organizations

1. National Center for Missing and Exploited Children (NCMEC)

NCMEC was established in 1984 as a private, nonprofit, and tax exempt organization to provide services nationwide for families and professionals to prevent the abduction, endangerment, and sexual exploitation of children. NCMEC is an excellent resource to assist local law enforcement agencies with their missing person (children) investigations.

NCMEC offers:

- ▶ Technical assistance to law enforcement agencies in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children, at no cost to the agency.
- ▶ A national clearinghouse of information for missing children
- ▶ Networking with other nonprofit providers and state clearinghouses about missing person cases
- ▶ A 24 hour Cyber Tip line that the public may use to report Internet-related child sexual exploitation
- ▶ Comprehensive training programs to law enforcement

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- ▶ Access to its Lost Child Alert Technology Resource (LOCATER) system, at no cost.
 - A. Using the secure LOCATER web site, agencies can easily create their own missing person posters and instantly transmit them electronically to other agencies, the media, and the public via the internet.
 - B. Both sending and receiving agencies can print high quality posters for distribution at briefing roll calls, incident command posts, and to the community.
- ▶ “Project ALERT” America’s Law Enforcement Retiree Team
 - A. A corps of more than 155 retired federal, state, and local law enforcement professionals who volunteer their time and expertise as unpaid consultants
 - B. The average team member has 20 years of experience and has received additional training from NCMEC in the most current techniques in investigating missing person cases
 - C. Members can act as an emergency response team of seasoned investigators, bringing critical resources, and additional manpower to resolve a recent or long-term, missing-child case
- ▶ Model policy and procedures templates for all law enforcement agencies:
 - A. Law Enforcement Policy and Procedures for Reports of Missing and Abducted Children (revised January 2005)
 - B. Law Enforcement Policy and Procedures for Reports of Missing Persons with Emphasis on Missing Children (revised January 2005)
- ▶ “Team Adam”, named after Adam Walsh, the 6-year-old abducted and murdered son of John and Reve Walsh, is an on-site response and support system that provides assistance to local law enforcement agencies, free of charge.
 - A. NCMEC has a team of 20 experienced specialists who are on call and can respond directly to the scene or Command Center
 - B. The specialist can advise, assist, and offer NCMEC’s extensive resources, which includes but is not limited to:
 1. Case management and analysis
 2. Computer and communications technology

NCMEC contact information:

National Office 699 Prince Street
 Alexandria, VA 22314
 800 843-5678

Regional Office 18111 Irvine Boulevard
 Tustin, CA 92780
 714 508-0150

Web: www.missingkids.com

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2. National Center for Missing Adults (NCMA)

The national Center for Missing Adults is a division of Nation's Missing Children Organization, Inc. (NMCO) and is a tax exempt non-profit organization working in cooperation with the U.S. Department of Justice's Bureau of Justice Assistance, Office of Justice Program.

NCMA was formally established in October 2000 and operates as the national clearinghouse for missing adults, providing services and coordination between various government agencies, law enforcement, media, and the families of missing adults. NCMA also maintains a national database of missing adults determined to be "endangered" or otherwise at risk.

NCMA contact information:

Address..... 2432 West Peoria Avenue, Suite 1286
Phoenix, Arizona 85029
Hotline..... 800 690-3 463
Direct..... 602 749-2000
Hours..... Monday-Friday 7 a.m. - 4 p.m. Mtn time
Web www.missingadults.org

3. Alzheimer's Association "Safe Return" Program

This is a nationwide identification registry program designed to assist law enforcement agencies with information to quickly identify and return those individuals who have wandered off. It offers the following:

- ▶ The ability for families to register, in advance, loved ones who have the disease and are at risk of "wondering away"
- ▶ Offers a 24 hour hotline service
- ▶ Provides names, photographs, identifying characteristics, and emergency contact information
- ▶ Offers a [Law Enforcement Officer's Pocket Response Guide](#) that describes the best ways to recognize, communicate with, and respond to a person with Alzheimer's

Alzheimer's Association "Safe Return" Program contact information:

California..... 800 660-1993
National 800 272-3900
Return Hotline..... 800 572-1122
Web www.alz.org

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4. Critical Reach Alert System

The Critical Reach Alert System is a state-of-the-art tool that enables law enforcement to send photo alerts, within minutes, to the exact recipients who need them most. Over 1,500 law enforcement agencies in 32 states are currently using this software application. Authorities share secure, real-time alerts with each other — the recipient is actively notified when the alert is received for fast response. The shared address book of alert recipients enables authorities to transmit alerts to precise sets of public recipients —schools, hospitals, businesses, media, transportation centers, etc.

Critical Reach has a No-Cost Licensing Policy that states: *“Support from private donors enables nonprofit Critical Reach to offer state-of-the-art alert software at NO COST to qualified health and safety authorities. Continued donor funding ensures the system will remain free of charge indefinitely.”*


The only operational cost is a nominal \$.07 charge for alerts sent to fax machines. All alerts distributed to other Critical Reach systems and to e-mail addresses are free of charge.

The nonprofit-led business model and the support of concerned donors enables Critical Reach to equip the nation’s authorities with a powerful, shared alerting tool that can help build safer, and more prepared communities. Use the contact information below to establish a Critical Reach program within your agency.

Critical Reach Alert System contact information:

Address..... 1660 South Amphlett Blvd., #330
 San Mateo, CA 94402
 Main 800 724-8725
 Regional 888 829-4961
 Web www.CriticalReach.org
 Email Steve Lowe slowe@criticalreach.org

A. Critical Reach Flyer Sample

Missing/Endangered Child		
Date: 4/20/2006	Case #: 06-456	Author ID: J.J.L.
Last Name: Jenkins	First Name: Allison	
Nickname: Ali	Age: 9	
Gender: Female	Height: 4'3"	
Weight: 85	Eyes: Blue	
Hair: Blonde	Complexion: Fair	
Race: Caucasian		
Allison was last seen in Rayburn Park in River City at 3:30 PM on April 20th while walking home from school.		
Allison was wearing a blue jeans overall with a bright yellow short-sleeved shirt. She was wearing red tennis shoes and her hair was in a ponytail.		
A possible suspect seen in the area is a white male, 6'0" and 175 lbs, wearing blue jeans and a white tee shirt.		
The suspect may be driving a blue Ford Taurus, estimated 1995 model.		
Any information on Allison, the suspect, or the vehicle should be reported to this department immediately.		
River City Police Department 650/665-6655		
Produced on Critical Reach System 11149 not currently available. See www.criticalreach.org for more information on Critical Reach alerts.		

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Q. Additional Organizations

The following agencies may be of assistance to you and your agency in your missing person investigation. This list is not all-inclusive and there are many other agencies, too many to list, that may be of value to you. *The California Department of Justice (DOJ) Missing and Unidentified Persons Unit in Sacramento (916 227-3290) can be an excellent reference to identify other valuable resources, including active and reputable support groups.*

Agency	Description	Contact Information
International Criminal Police Organization (INTERPOL)	<ul style="list-style-type: none"> ▶ Point of contact for law enforcement authorities seeking criminal investigative assistance abroad ▶ Assistance in tracking an identified Abductor 	202 616-9700 US National Central Bureau US Department of Justice Bicentennial Building Washington, DC 20530
National Crime Information Center (NCIC)	<ul style="list-style-type: none"> ▶ Nationwide, on-line computer/telecommunications system ▶ Maintained by the FBI ▶ Specialized information files and data retrieval programs including, but not limited to: <ul style="list-style-type: none"> • Missing Person File (MPF) • Unidentified Person File (UPF) • Wanted Person File (WPF) ▶ Accessible via California Law Enforcement Telecommunications System (CLETS) 	304 625-3000 Criminal Justice Information Services Attn: NCIC Clarksburg, WV
US Department of State, Child Custody Division	<ul style="list-style-type: none"> ▶ Central authority for providing assistance regarding international parent/family abduction ▶ Welfare and whereabouts check by US Embassy personnel in foreign Countries 	202 736-7000 Bureau of Consular Affairs US State Department Washington, DC
US Department of State, Office of Passport Services	<ul style="list-style-type: none"> ▶ Authority to revoke passports of citizens who are subject to federal warrants ▶ Suspects become undocumented aliens and may be deported back to the United States 	202 955-0307 Officer of Passport Services US State Department Washington, DC
US Postal Service	<ul style="list-style-type: none"> ▶ Access to databases of the names of all individuals within the nation who filed Change of Address forms ▶ Will provide law enforcement agencies with return address and postmark information on mail destined for a specific addresses 	202 268-4267 US Postal Service Inspection Division Washington, DC
US Department of State, Child Custody Division	<ul style="list-style-type: none"> ▶ Central authority for providing assistance regarding international parent/family abduction ▶ Welfare and whereabouts check by US Embassy personnel in foreign Countries 	202 736-7000 Bureau of Consular Affairs US State Department Washington, DC

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Agency	Description	Contact Information
US Department of State, Office of Passport Services	<ul style="list-style-type: none"> ▶ Authority to revoke passports of citizens who are subject to federal warrants ▶ Suspects become undocumented aliens and may be deported back to the United States 	<p>202 955-0307</p> <p>Officer of Passport Services US State Department Washington, DC</p>
US Postal Service	<ul style="list-style-type: none"> ▶ Access to databases of the names of all individuals within the nation who filed Change of Address forms ▶ Will provide law enforcement agencies with return address and postmark information on mail destined for a specific addresses 	<p>202 268-4267</p> <p>US Postal Service Inspection Division Washington, DC</p>
Federal Parent Locator Service (FPLS)	<ul style="list-style-type: none"> ▶ Unit of the US Department of Health and Human Services, Office of Child Support Enforcement ▶ Access to parent/family abduction case information recorded with: <ul style="list-style-type: none"> • Social Security Administration • Internal Revenue Service • National Personnel Records • Department of Veteran Affairs • Selective Service System • State Employment Security Agencies 	<p>510 267-3800 San Francisco</p> <p>562 624-3800 Los Angeles</p> <p>619 744-4600 San Diego</p>
US Department of Defense	<ul style="list-style-type: none"> ▶ Information about current and past assignments of active duty members of the Armed Forces ▶ Assistance also available from the Office of Family Policy, Support and Services 	<p>800 336-4592</p> <p>Officer of Family Policy, Support, and Services Arlington, VA</p>
US Office of Personnel Management	<ul style="list-style-type: none"> ▶ Address information about retired members of Armed Forces or retired federal civil service employees ▶ Addresses where retiree's federal pension payments are mailed 	<p>202 606-2424</p> <p>US Office of Personnel Management Washington, DC 20415</p>

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R. Organizations and Resources: Quick Reference Chart

The following chart is a condensed collection of the Web addresses for the organizations and resources cited throughout this document.

Agency/Organization/Resource	Acronym	Web Address
Department of Justice Missing Persons Unit	MUPS	http://ag.ca.gov/missing/
Emergency Alert System (California)	EAS	http://eas.oes.ca.gov/
Emergency Digital Information Services (California)	EDIS	www.edis.ca.gov/
Federal Bureau of Investigation	FBI	www.fbi.gov/
Federal Parent Locator Service	FPLS	www.acf.hhs.gov/programs/cse/newhire/
International Criminal Police Organization	INTERPOL	www.interpol.int/
Lost Child Alert Technology Resource (national)	LOCATER	www.locaterposters.org/
National Center for Missing & Exploited Children	NCMEC	http://www.missingkids.com
National Crime Information Center	NCIC	www.fas.org/irp/agency/doj/fbi/is/ncic.htm
Office of Emergency Services (California)	OES	www.oes.ca.gov/Operational/OESHome.nsf/
U.S. Department of State - Int'l Child Abduction	—	www.travel.state.gov/family/abduction/abduction_580.html
Wireless AMBER Alerts (national)	—	www.wirelessamberalerts.org/index.jsp

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